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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 7th August, 1957 :—

Issue No.	No. and date	Issued by	Subject
392 A	S.R.O. 2532-A, dated the 1st August, 1957.	Ministry of Law.	Declaration containing the names of the candidates elected to the House of the people from Kangra Parliamentary constituency.
393	S.R.O. 2535, dated the 2nd August, 1957.	Ministry of Home Affairs.	Appointment of a member of the Advisory Board for the purposes of the Preventive detention Act, 1950.
394	S.R.O. 2536, dated the 3rd August, 1957.	Election Commission, India.	Appointment of a member of the Election Tribunal for the trial of the petition against the election of Shri C.R. Narasimhan as a member of the House of the People.
395	S.R.O. 2537, dated the 3rd August, 1957.	Ditto	Appointment of a member of the Election Tribunal for the trial of the petition against the elections of Shri Shripad Amrit Dange and Shri Gopal Kaluji Manay as members of the House of the People.
396	S.R.O. 2537-A, dated the 7th August, 1957.	Ministry of Home Affairs.	An Order regarding prohibition of strikes.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners)****ELECTION COMMISSION, INDIA***New Delhi, the 2nd July 1957*

S.R.O. 2581.—In pursuance of sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the general election held in 1957, has in accordance with the decision given by the Election Commission under sub-rule (3) of the said rule, failed to lodge his account of election expenses in the manner required by law and has thereby incurred the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (Act 43 of 1951).

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Desai Suresh Jamietram, 21, Goindia Kani Road, Dadar, Bombay—14.	Broach.

[No. BY-P/108/57(36).]

S.R.O. 2582.—In pursuance of sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the general election held in 1957, has in accordance with the decision given by the Election Commission under sub-rule (3) of the said rule, failed to lodge any account of his election expenses and has thereby incurred the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951).

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Piare Lal, V. & P. O. Sanghi, Tehsil and District Rohtak.	Rohtak.

[No. PB-P/266/57(22).]

New Delhi-2, the 11th July 1957

S.R.O. 2583.—In pursuance of sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules 1956, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the Constituency specified in column 2 thereof, at the general election held in 1957, has in accordance with the decision given by the Election Commission under sub-rule (3) of the said rule, failed to lodge his account of

election expenses within the time required by law and has thereby incurred the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951).

SCHEDULE

Name of contesting candidate	Name of constituency
I	2
Shri Ramchandra Gaur, Mohalla Naya Tola, Muzaffarpur.	Muzaffarpur.

[No. BR-P/54/57(52).]

S.R.O. 2584.—In pursuance of sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the general election held in 1957, has in accordance with the decision given by the Election Commission under sub-rule (3) of the said rule, failed to lodge any account of his election expenses and has thereby incurred the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, (XLIII of 1951).

SCHEDULE

Name of contesting candidate	Name of constituency
I	2
Shri Dusadh Chhathu, Village Raghunathpur, P.O. Saraon, P.S. Dinara, District Shahabad.	Sasaram.

[No. BR-P/77/57(49)/7713.]

New Delhi-2, the 16th July 1957

S.R.O. 2585.—In pursuance of sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof at the general elections held in 1957, has in accordance with the decision given by the Election Commission under sub-rule (3) of the said rule, failed to lodge any account of his election expenses and has thereby incurred the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1957).

SCHEDULE

Name of contesting candidate	Name of constituency
I	2
Shri Ganesh Prasad, House No. 345, Araipur Jadid, Uttar Pradesh.	Farrukhabad.

[No. UP-P/328/57(57).]

S.R.O. 2586.—In pursuance of sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the general election held in 1957, has in accordance with the decision given by the Election Commission under sub-rule (3) of the said rule, failed to lodge any account of his election expenses and has thereby incurred the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951).

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Desh Sewk Ram Sumer, Village Purai Khurd, P.O. Arund, District Jaunpur, (Uttar Pradesh).	Azamgarh.

[No. UP-P/343/57(54).]

By Order,

A. KRISHNASWAMY AIYANGAR, Secy.

MINISTRY OF FINANCE

New Delhi, the 5th August 1957

S.R.O. 2587.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendments to the Civil Service Regulations, namely:—

“In the said Regulations—

(1) for article 218, the following article shall be substituted, namely—

“218. Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsory retire from Government service.”

(2) article 218-A shall be omitted.”

[No F.7(6)-Est.IV/56]

(Department of Expenditure)

New Delhi, the 5th August 1957

S.R.O. 2588.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendment shall be made in the Civil Service Regulations, namely:—

In article 946 of the said Regulations, after the words “police station”, the words “or by a Postmaster, a Departmental Sub-Postmaster, or an Inspector of Post Offices” shall be inserted.

[No. F.7(12)-EV/56.]

C. B. GULATI, Dy. Secy.

(Department of Economic Affairs)

*New Delhi, the 6th August 1957***S.R.O. 2589.**—Statement of the Affairs of the Reserve Bank of India as on the 26th July 1957.**BANKING DEPARTMENT**

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	36,44,35,000
Reserve Fund	80,00,00,000	Rupee Coin	9,00,000
National Agricultural Credit (Long-term Operations) Fund	20,00,00,000	Subsidiary Coin	4,88,000
National Agricultural Credit (Stabilisation) Fund	2,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government	53,90,09,000	(c) Government Treasury Bills	3,06,36,000
(2) Other Governments	2,18,83,000	Balances held abroad*	19,68,54,000
(b) Banks	103,82,96,000	Loans and Advances to Governments	26,19,46,000
(c) Others	149,03,88,000	Other Loans and Advances†	63,28,93,000
Bills Payable	15,83,23,000	Investments	280,81,08,000
Other Liabilities	8,44,25,000	Other Assets	10,60,64,000
Rupees	440,23,24,000	Rupees	440,23,24,000

*Includes Cash & Short term Securities

†The item Other Loans and Advances includes Rs. 29,47,37,000/- advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

Dated the 31st day of July 1957.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 26th day of July 1957

ISSUE DEPARTMENT.

Liabilities	Rs.	Rs.	Assets.	Rs.	Rs.
Notes held in the Banking Department .	36,44,35,000		A. Gold Coin and Bullion :—		
			(a) Held in India	117,76,03,000	
Notes in circulation	1498,82,94,000		(b) Held outside India . . . . .	..
Total Notes issued		1535,27,29,000	Foreign Securities	400,51,91,000	
			TOTAL OF A		518,27,94,000
			B. Rupee Coin		130,18,29,000
			Government of India Rupee Securities .		886,81,06,000
			Internal Bills of Exchange and other commercial paper.		..
TOTAL LIABILITIES		1535,27,29,000	TOTAL ASSETS		1535,27,29,000

Dated the 31st day of July 1957.

H. V. R. IENGAR, Governor.

[No. F. 3(35)-F.I/57.]

New Delhi, the 8th August 1957
S. R. O. 2590.—Statement of the Affairs of the Reserve Bank of India as on the 2nd August 1957.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	35,91,59,000
Reserve Fund	80,00,00,000	Rupee Coin	3,79,000
National Agricultural Credit (Long-term Operations) Fund	20,00,00,000	Subsidiary Coin	4,64,000
National Agricultural Credit (Stabilisation) Fund	2,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal	
(a) Government		(b) External	
(1) Central Government	51,96,02,000	(c) Government Treasury Bills	3,44,32,000
(2) Other Governments	3,17,27,000	Balances held abroad*	26,31,98,000
(b) Banks	108,32,33,000	Loans and Advances to Governments	23,54,46,000
(c) Others	139,13,22,000	Other Loans and Advances†	69,17,90,000
Bills Payable	15,03,89,000	Investments	265,59,55,000
Other Liabilities	8,67,69,000	Other Assets	9,22,19,000
Rupees	433,30,42,000	Rupees	433,30,42,000

*Includes Cash & Short term Securities.

†The item 'Other Loans and Advances' includes Rs. 31,87,37,000 advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 6th day of August 1957.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 2nd day of August 1957

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	35,91,59,000		A. Gold Coin and Bullion :—		
Notes in circulation	1499,49,23,000		(a) Held in India	117,76,03,000	
Total Notes issued		1535,40,82,000	(b) Held outside India . . . . .	..
			Foreign Securities	375,51,91,000	
			TOTAL OF A		493,27,94,000
			B. Rupee Coin		130,31,82,000
			Government of India Rupee Securities		911,81,06,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL LIABILITIES		1535,40,82,000	TOTAL ASSETS		1535,75,82,000

Dated the 6th day of August 1957.

H. V. R. IENGAR, Governor.

[No. F.3(35)-F.I/57.]

A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 8th August 1957

S.R.O. 2591.—In pursuance of clause (aa) of sub-section (1) of section 10 of the Industrial Finance Corporation Act, 1948 (XV of 1948), the Central Government hereby nominates Shri S. Ratnam, Secretary, Department of Expenditure, Ministry of Finance, to be a Director of the Industrial Finance Corporation of India vice Shri M. R. Bhide, I.C.S.

[No. F.2(67)Corp/57]

S. S. SHARMA, Under Secy.

(Department of Economic Affairs)

ORDER

New Delhi, the 9th August 1957

S.R.O. 2592.—In supersession of Government of India (Ministry of Finance) order No. S.R.O. 2580 dated the 31st October 1956, the Central Government hereby appoints Shri A. Baksal, Joint Secretary, Ministry of Finance as Director General of the Bank of Baghelkhand with effect from the 9th August, 1957.

[No. F.7(49)-F.1/RO/57.]

K. P. BISWAS, Under Secy.

(Department of Revenue)

New Delhi, the 5th August 1957

S.R.O. 2593.—In pursuance of sub-rule (1) of rule 48 of order XXI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby appoints the Officer specified in column 1 of the table as officer to whom notice of orders attaching the salaries and allowances of the officers specified in the corresponding entries in column 2 of the said table shall be sent.

TABLE

Officer to whom notice should be sent.	Officers whose salaries and allowances are to be attached.
I	2
Under Secretary (Cash), Department of Revenue, Ministry of Finance, New Delhi.	All Officers in the Department of Revenue, Ministry of Finance serving in New Delhi.

[No. F.50/28/56-Ad I.]

M. L. DAVE, Dy. Secy.

(Department of Revenue)

CUSTOMS

CORRIGENDUM

New Delhi, the 6th August 1957

S.R.O. 2594.—In the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 168-Customs, dated the 27th July 1957, published as S.R.O. 2411 in the Gazette of India, Extraordinary, Part II, Section 3 of the 27th July 1957, for "exempts bristles for brush", read "makes the following further".

[No. 180.]

M. A. RANGASWAMY, Dy. Secy.

CENTRAL EXCISE COLLECTORATE, BOMBAY**ADDENDUM****CENTRAL EXCISE***Bombay, the 29th July 1957*

S.R.O. 2595.—In para 2 of the Collectorate Notification No. CER/50/57, dated the 27th March, 1957 after the words "Inspector of Central Excise" occurring at the end of this para, the words "or Supervisor as the case may be" should be added.

[No. CER/50/57.]

[No. VI(W)8-1/55.]

T. C. SETH,

Collector of Central Excise, Bombay.

CENTRAL BOARD OF REVENUE**CUSTOMS***New Delhi, the 17th August 1957.*

S.R.O. 2596.—In exercise of the powers conferred by section 11 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby makes the following amendments in its notification No. 101-Customs dated the 9th September, 1950, namely:—

1. In the said notification for the words "The Collector of Customs, Saurashtra" the words "the Collector of Central Excise, Baroda" shall be substituted.
2. In the Schedule to the said notification—
 - (i) under the heading "Saurashtra State", the entry "Madhavpur" under the column headed "Name of Port" and the corresponding entry "Do" under the column headed "name of district", shall be omitted;
 - (ii) under the heading "Bombay State" the entry "Beyl" under the column headed "Name of Port" and the corresponding entry "Do" under the column headed "Name of district", shall be omitted;
 - (iii) the headings "Saurashtra State", "Kutch State" and "Bombay State" shall be omitted and immediately below column 1 and 2, the heading "Bombay State" shall be inserted.

[No. 155.]

S.R.O. 2597.—In exercise of the powers conferred by section 12 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby declares the places situated in each of the districts of the Bombay state specified in column 1 and named in column 2 of the schedule annexed hereto within the jurisdiction of the Collector of Central Excise, Baroda, to be ports for carrying on coastal trade with customs ports and for no other purposes.

SCHEDULE

Name of District	Name of Port
<i>Bombay State</i>	
Ahmedabad	Gogha
Ahmedabad	Dhollera
Kaira	Cambay
Broach	Tankari
Boerch	Kavi
Boarch	Dahej
Boarch	Broach
Surat	Bhagwa
Surat	Surat
Surat	Matwad
Surat	Bulsar
Surat	Umarsadi
Surat	Navsari
Surat	Billimora
Amreli	Beyl
Sorath	Madhavpur

[No. 156.]

S.R.O. 2598.—In exercise of the powers conferred by section 11 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby makes the following amendments in its notification No. 118 Customs, dated the 9th September, 1950, namely:—

In the said notification the following entries shall be omitted:—

1. *Veramgam Circle*

Dhollera (Whittle Bunder)

2. *Cambay Circle*

Cambay

3. *Broach Circle*

Kavi
Tankari
Dahej
Broach

4. *Surat Circle*

Bhagwa
Surat

5. *Vapi Circle*

Umarsadi
Navsari
Matwad
Billimora
Bulsar

[No. 157.]

S.R.O. 2599.—In exercise of the powers conferred by Section 11 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby makes the following amendments in its notification No. 87-Customs, dated the 9th September, 1950 namely:—

In the schedule annexed to the said notification Serial Nos. 2 to 13 and the entries relating thereto shall be omitted.

[No. 158.]

S.R.O. 2600.—In exercise of the powers conferred by section 11 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby directs that the following further amendment shall be made in its notification No. 117 Customs, dated the 9th September, 1950, namely:—

In the Schedule to the said notification against the port of Salaya, for the existing entry in column 3, the following entry shall be substituted, namely:—

"1. Landing place near the Custom House.

2. New Wharf Wall newly constructed in the port of Salaya situated just on the mouth of Salaya creek connected with a road direct to town for landing and shipment of all goods."

[No. 170.]

B. D. DESHMUKH, Secy.

MINISTRY OF COMMERCE & INDUSTRY

ORDER

New Delhi, the 6th August 1957

S.R.O. 2601/IDRA/6/3/Am.(3).—In pursuance of rule 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri Sridheshwar Chowdhery, General Secretary, The Golmuri Tinplate Workers' Union, P.O. Golmuri (Tatanagar), as a member of the Development Council for the scheduled industry engaged in the manufacture and production of Non-ferrous

metals including alloys (and semi-manufactures thereof), in place of Shri K. P. Tripathi, who has resigned, and directs that the following amendments shall be made in the Order of the Government of India in the Lab Ministry of Heavy Industries No. S.R.O. 79/IDRA/6/3, dated the 5th January, 1957; namely:—

For items 12 and 13 and the entries relating thereto, the following shall be substituted, namely:—

- | | | |
|---|---|--|
| <p>“12. Shri Bhagwat Jha Azad,
Village: Kasba,
P.O. Kasba Dudhichak,
Distt. Santhal Parganas,
(Bihar.)</p> <p>3. Shri Sidheshwar Chowdhery,
General Secretary,
The Golmuri Tinplate
Worker's Union,
P.O. Golmuri, (Tatanagar).”</p> | } | <p>“being persons who in the opinion of the Central Government are capable of representing the interests of persons employed in industrial undertakings in the said scheduled industry”.</p> |
|---|---|--|

[No. 5(23)IA(II) (G)/56.]

B. B. NAG, Under Secy.

CORRIGENDUM

New Delhi, the 8th August 1957

S.R.O. 2602.—In the Ministry of Commerce and Industry Notification No. SRO. 2494 dated the 30th July, 1957, published at pages 1655—1658 in Part II Section 3 of the Gazette of India dated August 3, 1957/Sravana 12,1879, the following corrections shall be made:—

- (i) In the “Note” in Form No. 4, the words “and in the case of privately owned Tea Estates by the Managing” shall be inserted between the words “and” and “Proprietors”.
- (ii) The figure “196” appearing against the word “Dated” in Forms ‘4’ and ‘4A’ shall be deleted.
- (iii) For the word “Non-producer” appearing at the top of Form 4B, read “Non-producers”.

[No. 8(8)Plant(A)/57.]

P. V. RAMASWAMY, Under Secy.

THE RUBBER BOARD

New Delhi, the 8th August 1957

S.R.O. 2603.—In pursuance of section 14 of the Rubber Act, 1947 (24 of 1947), and in supersession of notification of the Government of India, in the late Ministry of Industries and Supplies, No. 17(3)-I-6/49, dated the 9th September, 1949, the Rubber Board hereby issues a general licence authorising consumers whose consumption of raw rubber does not exceed 150 lbs. per year to buy or otherwise acquire raw rubber upto a minimum quantity of 150 lbs. per year.

Sd./- N. KRISHNA PILLAI,
Secretary, Rubber Board, Kottayam.

[No. 19(10)Plant(B)/57.]
A. K. CHAKRAVARTI, Under Secy.

TRADE MARKS

New Delhi, the 9th August 1957

S.R.O. 2604.—In pursuance of sub-rule (3) of rule 138 of the Trade Marks Rules, 1942, it is hereby notified that in exercise of the powers conferred by sub-rule (1)(b) of the said rule the Central Government has removed from the Agent's Register the name of Shri B. P. Kochikar.

[No. 5(3)-TMP/57.]

CORRIGENDUM

New Delhi, the 9th August 1957

S.R.O. 2605.—In the notification of the Government of India in the Ministry of Commerce and Industry S.R.O. 2122 dated the 24th June, 1957, published in Part II Section 3 of the Gazette of India, dated the 29th June 1957:—

For " the Alleppey Oil Millers' and Merchants' Association Ltd., Alleppey",
Read "the Alleppey Oil Millers' and Merchants' Association, Alleppey".

[No. F.35(2)-TMP/57.]

T. S. KUNCHITHAPATHAM, Under Secy.

ERRATA

In the Ministry of Commerce and Industry Notification No. 1(2)Plant/B/57, published in the Gazette of India, Part II—Section 3, dated the 6th July 1957, the following correction is to be made:—

Page 1456, S.R.O. 2220, last line of the notification (10th line from top)
after "if he" add "ceases".

MINISTRY OF HEALTH

New Delhi, the 6th August 1957

S.R.O. 2606.—In pursuance of clause (9) of rule 2 of the Indian Aircraft (Public Health) Rules, 1954, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health, No. S.R.O. 2213, dated the 17th October, 1955, namely:—

In the said notification, under the heading "Central America", after "Guatemala", the following shall be added, namely:—

"British Honduras (provisional)".

[No. F.11-6/57-I.H.]

S.R.O. 2607.—In pursuance of clause (6) of rule 2 of the Indian Port Health Rules, 1953, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health, No. S.R.O. 588, dated the 28th February, 1956, namely:—

In the said notification, under the heading "Central America" for the words "and Guatemala", the following shall be substituted, namely:—

"Guatemala and British Honduras (Provisional)".

[No. F.11-6/57-I.II.]

New Delhi, the 8th August 1957

S.R.O. 2608.—In exercise of the powers conferred by sub-rule (2) of rule 9 of the Indian Aircraft (Public Health) Rules, 1954, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health, No. S.R.O. 2215, dated the 17th October, 1955, namely:—

In the said notification, after item 16, the following item shall be added, namely:

"17. The Government of Italy".

[No. F.14-49/56-IH.]

A. T. SESHADRI, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS**(Department of Transport)****(Transport Wing)****CORRIGENDUM***New Delhi, the 30th July 1957*

S.R.O.2609.—In the notification of the Government of India, Ministry of Transport and Communications (Department of Transport) S.R.O. No. 1806 published at pages 1125 to 1126 of the Gazette of India Part II Section 3 dated the 1st June, 1957, in line 3 of the opening paragraph of the notification following the preamble, for the figure and words "6 P.M. to 9 A.M.", the figure and words "6 A.M. to 9 A.M." shall be substituted.

[No. 6-PH(40)/57-PG.]

D. A. R. WARRIAR, Under Secy.

(Department of Transport)**(Transport Wing)****CORRIGENDUM***New Delhi, the 9th August 1957*

S.R.O. 2610.—In the Indian Merchant Shipping (Radio) Rules 1956, published with the notification of the Government of India in the Ministry of Transport No. S.R.O. 1265, dated the 25th May, 1956 at pages 843 to 894 of Part II Section 3 of the Gazette of India dated the 2nd June 1956,—

- (1) In rule 2(iii) (b) for "indential" read "identical".
- (2) In rule 2(xvii) (b) for "omission" read "emission".
- (3) In rule 3(2) under Class I (b) for "transit" read "transire".
- (4) In rule 13(3) for "load link" read "load line".
- (5) In rule 18(2) for "have first class" read "have a first class".
- (6) In rule 18(3) (b) for "holders" read "holder".
- (7) In rule 19 (1) (a) (ii) for "aship" read "a ship".
- (8) In rule 25(1) for "of radiotelephone installation" read "of a radio-telephone installation".
- (9) In (b) of the second column against item 4 of the table given in paragraph 1 of the First Schedule for "13" read "12".
- (10) In (c) (ii) of the table in paragraph 11 of the First Schedule for "13" read "12".
- (11) In the Second Schedule for "Part I—Main Radiotelegraphy Transmitter" read "Part I—Main Radiotelegraph Transmitter".
- (12) In paragraph 5(2) of Part I of the Second Schedule for "100" read "100"

$$\frac{500}{1+\frac{500}{f}}$$
- (13) In paragraph 5(4) of Part I of the Second Schedule for "powed" read "power".
- (14) In Part II of the Second Schedule for "Part II—Main Radiotelegraphy Receiver" read "Part II—Main Radiotelegraph Receiver".
- (15) In column 2 of the heading of the table in paragraph 4(4) (b) of Part II of the Second Schedule for "Part 10" read "Parts in 10⁴".
- (16) In column 1 of the table in paragraph 6(1) of Part II of the Second Schedule for "Not more than 6 decibels" read "Discrimination of not more than 6 decibels".
- (17) In column 4 of the table in paragraph 6(1) of Part II of the Second Schedule for "(does ton apply)" read "(does not apply)".
- (18) In the table in paragraph 6(1) of Part II of the Second Schedule for "Provided that the discrimination against interfering signal of frequency greater than 1.6 Mc/s need not exceed 60 decibels." read "Provided that the discrimination against an interfering signal of frequency greater than 1.5 Mc/s need not exceed 60 decibels."

- (19) In the table in paragraph 6(2) (b) of Part II of the Second Schedule for "reponse" read "response".
- (20) In paragraph 11(a) (iv) of Part II of the Second Schedule for "70 decibels" read "100 decibels".
- (21) In the heading of the second column of the table in paragraph 16(a) of Part II of the Second Schedule for "parts in 10^4 " read "parts in 10^4 ".
- (22) In the heading of the second column of the table in paragraph 16(b) of Part II of the Second Schedule for "part in 10^4 " read "parts in 10^4 ".
- (23) In the heading of the second column of the table in paragraph 16(c) of Part II of the Second Schedule for "parts in 10^4 " read "parts in 10^4 ".
- (24) In paragraph 18(1) of Part II of the Second Schedule for "Oil" read "0.1".
- (25) In paragraph 18(2) (c) of Part II of the Second Schedule for "arcal" "aerial" and for "enclosure" read "enclosure".
- (26) In paragraph 18(2) (d) of Part II of the Second Schedule for " 4×10^{-10} " read " 4×10^{-10} " and for "received case" read "receiver case".
- (27) In paragraph 2 of Part III of the Second Schedule for "Tpyc" read "Type".
- (28) In paragraph 3(2) of Part III of the Second Schedule for "bs" read "be".
- (29) In paragraph 5(2) of Part III of the Second Schedule for "its voltage" read "its rated voltage".
- (30) In paragraph 15 of Part III of the Second Schedule for "of rule 20, of these rules and paragraphs" read "of rule 20, paragraphs".
- (31) In paragraph 4(2) (i) of Part IV of the Second Schedule for "requirred" read "required".
- (32) In paragraph 6(3) of Part IV of the Second Schedule for "as ('the standard output')'" read "as ('the standard output')".
- (33) In paragraph 7(3) of Part IV of the Second Schedule for "Not greater than 50 k/cs" read "No greater than 50 k/cs" and for "Not greater than 100 k/cs" read "No greater than 100 k/cs".
- (34) In paragraph 16(2) (b) of Part IV of the Second Schedule for "inside of the case" read "inside of the screen".
- (35) In paragraph 16(2) (d) of Part IV of the Second Schedule for " 4×10^{-10} " read " 4×10^{-10} ".
- (36) In the heading of Part V of the Second Schedule for "Devise" read "Device".
- (37) In paragraph 3 of Part V of the Second Schedule for "0:2" read "0.2".
- (38) In paragraph 4(1) (a) of Part V of the Second Schedule for "....." read "...".
- (39) In paragraph 4(2) (a) of Part V of the Second Schedule for "....." read "...".
- (40) In the table in paragraph 5(2) of the Third Schedule for "Inductance Microhensys" read "Inductance Microhenrys".
- (41) In paragraph 5(10) (d) of the Third Schedule for "alternations" read "alterations".
- (42) In paragraph 6(15) (b) of the Third Schedule for " 4×10^{-10} " read " 4×10^{-10} ".
- (43) In paragraph 9 of the Third Schedule for "pieze-electric equipment appropriated for use only below deck or in a deckhouse or other" read "piezo-electric crystals, it shall be suitable for use with a crystal holder specified in paragraph".
- (44) In paragraph 1(2) of the Fourth Schedule for "Class Z" read "Class X".
- (45) In paragraph 3(2) of the Fourth Schedule for "humps" read "bumps".
- (46) In paragraph 3(10) of the Fourth Schedule for "Pencilium cyclopl-cum" read "Pencilium cyclopium".

- (47) In paragraph 3(10) of the Fourth Schedule for "Stachybotrys atra" read "Stachybotrys atra".
- (48) In paragraph 3(10) of the Fourth Schedule for "plus of minus" read "plus or minus".
- (49) In paragraph 2(4) of Part I of the Fifth Schedule for "lifeboats" read "lifeboat".
- (50) In paragraph 4(1) (a) (i) of Part I of the Fifth Schedule for "bands" read "bauds".
- (51) In paragraph 5(3) of Part I of the Fifth Schedule for "000... 000" read ".....".
- (52) In paragraph 5(5) (a) of Part I of the Fifth Schedule for "000. . 000" read ".....".
- (53) In paragraph 2(10) of Part II of the Fifth Schedule for "and generation" read "hand generation".
- (54) In paragraph 5(1) (a) (i) of Part II of the Fifth Schedule for "bands" read "bauds".
- (55) In paragraph 5(4) (i) of Part II of the Fifth Schedule for "....." read ".....".
- (56) In paragraph 5(4) (a) (ii) of Part II of the Fifth Schedule for " . . ." read ".....".
- (57) In paragraph 5(4) (e) (i) of Part II of the Fifth Schedule for "(3.8 log I.C)-5.5" read "[3.8 log 10C)5.5]".
- (58) In paragraph 6(4) (b) of Part II of the Fifth Schedule for "electivity" read "selectivity".
- (59) In the heading of the Seventh Schedule for "(See Rule 15)" read "(See Rule 17)".
- (60) In paragraph 2(4) (c) of the Seventh Schedule for "fall" read "falls".
- (61) In column 2 of the table in paragraph 2(4) (d) of the Seventh Schedule for "1400c/s" read "1400c/s".
- (62) In columns 4 and 5 of the table in paragraph 2(4) (d) of the Seventh Schedule

for "Below 470 kc/s	80
and above 530 kc/s	
below 450 kc/s	
and above 550	
Kc/s	120"
read	
"Below 470 kc/s	80
and above 530 kc/s.	
Below 450	
kc/s and above	
550 kc/s .	120"

- (63) In paragraph 2(5) (b) (i) of the Seventh Schedule for "the selector; and" read "the selector;".
- (64) In column 3 of the table in paragraph 2(8) of the Seventh Schedule for "400c/s-1400" read "400c/s-1400c/s".
- (65) In column 4 of the table in paragraph 2(8) of the Seventh Schedule for "c/s 120 decibels above one microvolt" read "120 decibels above one microvolt".
- (66) In paragraph 2(10)(b)(iv) of the Seventh Schedule for "4x10-i.e." read "4x10-10".
- (67) In column (3) of the table in the Eighth Schedule against B for "meridian" read "Meridian".
- (68) In the second line of column (5) of the table in the Eighth Schedule against B.— for "9h 10h" read "8h 10h".
- (69) In the first line of column (4) of the Eighth Schedule against C.— for "06" read "0h".

- (70) In column 3 of the Form of Radiotelegraph Log-Book—Radiotelegraph Log Part I in the Ninth Schedule for "Port of Registry" read "Port of Registry".
- (71) In column 4 of Diary of the Radiotelegraph Service in Part II of the Radiotelegraph Log in the Ninth Schedule for "by Rule 20" read "by Rule 22".

[No. 76-MA(18)/52.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 5th August 1957

S.R.O. 2611.—In partial modification of the Notification of the Government of India in the late Ministry of Works, Production and Supply No. 3533-WI/52, dated the 4th June, 1952 it is hereby notified that the Speaker, in pursuance of clause (d) of sub-section (1) of section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951), has nominated Shri G. D. Somani, Member Lok Sabha to be a member of the Rajghat Samadhi Committee in place of Shri C. Krishnan Nair, M.P.

[No. 7170-W/57.]

J. N. AMBEGAOKAR, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 2nd August 1957

S.R.O. 2612.—In pursuance of sub-rule (1) of Rule 48 of Order XXI of the first Schedule to the Code of Civil Procedure, 1908 (V of 1908), the Central Government hereby appoints the officers specified in column (1) of the table below as officers to whom notices of orders attaching the salaries and allowances of the officers specified in the corresponding entries in column (2) of the said table shall be sent:—

TABLE

Officers to whom notices should be sent	Officers whose Salaries and allowances are attached
1	2
Deputy Secretary (Administration), Ministry of Rehabilitation, New Delhi.	Gazetted Officers in the Ministry of Rehabilitation, New Delhi
Under Secretary (Administration), Ministry of Rehabilitation, New Delhi	Non-Gazetted officers in the Ministry of Rehabilitation New Delhi

The Ministry of Rehabilitation Notification No. F5/18/56-Admn. dated the 4/6th June 1956 is hereby cancelled.

[No. F5/18/56-Admn.]

K. J. GEORGE, Dy. Secy.

New Delhi, the 5th August 1957

S.R.O. 2613.—.....whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed and situated in the Union Territory of Himachal Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

THE SCHEDULE

Serial No.	Particulars of the Evacuee Property	Name of the Town and locality in which the evacuee property is situated	Name of the evacuee
1	2	3	4
	<i>Rural Unit—</i>		
1	One House Double storeyed Khata No. 103/114 (Area 4 Biswas or 6/2/5 Marlas).	Village Sharpur pargana Khas Sherpur Tehsil Bhattiyat.	Khairuddin s/o Jumma (Proprietary Rights).
2	One House Khata No. 101/111 (Area 14/2/5 Marlas.)	Village Sharpur Khas Pargana Sherpur Tehsil Bhattiyat.	Samalo s/o Punnu (Proprietary Rights).
3	One Half of House, measuring 30×15' (Area 110/121 Marlas.)	Village Tarima Pargana Chauari Tehsil Bhattiyat.	Jalabuddin (occupancy Right(s)).
4	One House Double Storeyed	Village Thulel Pargana Bhattitikri Tehsil Bhattiyat.	Maula Buxu s/o nknown. (Proprietary Rights.)
5	One House Single Storeyed.	Village Thulel Pargana Bhattitikri Tehsil Bhattiyat.	Badaruddin s/o unknown (Proprietary Rights)
6	One House Khata No. 396	Village Hatli pargana Bhattitikri Tehsil Bhattiyat.	Nikka Musahan (Proprietary Rights).
7	Site of one shop Khata No. 82/127.	Villa Do.	Nazamaddin s/o Nathu.
8	Site of one shop Khata No. 7 Natutor (Material of the building is excluded from the declaration).	Village Kaluganj Pargana Hohar Tehsil Bhattiyat.	Fazla and Daula.
9	Site of one shop Khata No. 284 (Jamabandi Hindi) (Area 11 Marlas).	Village Suttanpur Pargana Sach, Tehsil Chamba.	Mst. Murtoo w/o Hahib Din.
10	Site of one shop Khata No. 226 (Jamabandi Hindi).	Do.	Habibullah s/o Hira.
11	One Guar, one Tapra and one Bari Khata No. 29 (Jamabandi Hindi).	Do.	Do.
12	One Kohlu Khata No. 207 (Jamabandi Hindi).	Village Sarol Pargana Rajnagar Tehsil Chamba.	Barfi s/o Aziz Bux.
13	One shop 1/2 of Khata No. 10 (Warq) (Area 3 Marlas)	Village Kheri Pargana Pichhla Diur Tehsil Churah.	Mst. Tajo w/o Lal Khan.
14	One House Khasra No. 51/1/2 (Area 12 Marlas). (b) One Court yard Khasra No. 52/1/3 (Area 12 Marlas). (c) One Stable Khasra No. 53/1/4 (Area 3 Marlas.) Out of Khata No. 6.	Village Ganed Pargana and Tehsil Tissa. Do. Do.	Amamuddin. Do. Do.
15	Site of one shop Khata No. 14 Nautor.	Village Nagher Pargana Sherpur Tehsil Bhattiyat.	Rahimo, Satro, Nagiru and Hasroes s/o Mahanda.
16	Khata No. 9 (Jamabandi Hindi) (Area 1 Kanal) (a) 1 House (Area 16 Marlas) (b) 1 shop (Area 4 Marlas) making the total area 1 Kanal.	Village Hatli Pargana Bhattitikri Tehsil Bhattiyat.	Najamuddin s/o Nathu.

Serial No.	Particulars of the Evacuee Property	Name of the Town & Locality in which the evacuee property is situated	Name of the Evacuee
1	2	3	4
<i>Agricultural land—</i>			
1	Khata No. 175 (3/4 of) (Area 3 Kanals and 5 Marlas), Ottar.	Village Bharotha Pargana Rajnagar Tehsil Chamba.	Fateh Mohd. Sakl. Mohd. and Ata Mohd. S/o Wahabuddin.
2	Khata No. 210 Ottar (Area 6 Kanals and 15 Marlas).	Village Sarol Pargana Rajnagar Tehsil Chamba.	Barfi S/o Aziz Bux.
3	1/3 of Khata No. 19 (Jamabandi Hindi) Area 2 Acres 5 Kanals and 6 Marlas) Ottar.	Village Sarol Pargana Rajnagar Tehsil Chamba.	Barfi S/o Aziz Bux.
4	1/2 of Khata No. 41/2 (Area 1 Kanal 13 Marlas), Ottar.	Village Sarol Pargana Rajnagar Tehsil Chamba.	Mst. Tajo W/o Lal Khan.
5	1/3 of Khata No. 49 (Area 1 Kanal and 3 Marlas Kohli and 1 Kanal) Ottar.	Village Sarol Pargana Rajnagar Tehsil Chamba.	Mst. Tajo W/o Lal Khan.
6	1/2 of Khata No. 58 (Area 11 Marlas Kohli and 18 Marlas) Ottar.	Village Sarol Pargana Rajnagar Tehsil Chamba.	Mst. Tajo Wd/o Lal Khan.
7	1/2 of Khata No. 175 (Area 16 Marlas Kohli and 5 Kanals 9 Marlas) Ottar.	Village Haripur Pargana Rajnagar Tehsil Chamba.	Mst. Tajo Wd/o Lal Khan.
8	1/2 of Khata No. 263 (Area 5 acres & Marlas, Ottar.	Village Sail Pargana Dhundi Tehsil Chamba.	Mst. Tajo Wd/o Lal Khan.
9	Khata No. 72/36 (Area 3 Acres 6 Kanals and 12 Marlas) Ottar.	Village Fagri Pargana Mehla Tehsil Chamba.	Chhato, Bandru, Imu and Nur Hussain S/o Gandhi Caste Gujjar.
10	Khata No. 323 and 323/1 (Jamabandi Hindi) (Area 6 Acres 2 Kanals 15 Marlas) Ottar.	Village Bhandi Pargana Kuhal Tehsil Churah.	Diwan Khan S/o Ali Akher Khan.
11	Khata No. 257/1 (Area 1 Acre 1 Kanal 5 Marlas) Ottar.	Village Garh Pargana and Tehsil Tissa.	Ilayatullah Khan son of Sangar Khan 1/4 share, Ahtar Khan, Jawahar Khan S/o Fateh Khan 3/4 share residents of Chamba Town.
12	Khata No. 62 (Jamabandi Hindi) (Area 3 Marlas) Ottar.	Village Ganed Pargana & Tehsil Tissa.	Amamur Din.
13	Khata No. 13 Nautor (Area 1 Acre 6 Kanals and 10 Marlas) Ottar	Village Negrer Pargana Sherpur Tehsil Bhattiyat.	Rahimo, Batro, Fagiru and Harno sons of Mahanda.
14	Khata No. 14 Nautor (Area 2 Kanals 3 Marlas) Ottar.	Village Nagrer Pargana Sherpur Tehsil Bhattiyat.	Rahimo, Batro, Fagiru & Harno son of Mahanada.
15	Khata No. 69/2 (Area 3 Kanals 1 Marla Kohli and 3 Acres & 4 Marlas) Ottar.	Village Kather Pargana Sherpur Tehsil Bhattiyat.	A bdul Hussion s/o Shahbuddin.
16	Khata No. 39 Nautor (Area 1 Acre 3 Kanals 7 Marlas) Ottar	Village Negrer Pargana Sherpur Tehsil Bhattiyat.	Fazla & Nazamu sons of Gujjar.
17	B. Khata No. 41 Nautor, (Area 4 Kanals 10 Marlas).	Do.	Do.
	C. Khata No. 15 Nautor (Area 11 Marlas) Ottar.	Do.	Do.
	D. Khata No. 16 Nautor (Area 1 Kanal 10 Marlas) Ottar.	Do.	Do.

Serial No.	Particulars of the Evacuee Property	Name of the Town & Locality in which the evacuee property is situated	Name of the Evacuee
1	2	3	4
<i>Agricultural land—contd.</i>			
	Khata No. 7 Nau'or (1/2 of) [Area 1 Marla (1/2 of) 2 Kanals] Ottar.	Village Sherpur Khas par-gana Sherpur Tehsil Bhattiyat.	Hiru S/o Nathu.
18	Khata No. 74 (Jamabandi Hindi) Area 7 Kanals & 3 Marlas) Ottar.	Village Sherpur Khas Par-gana Sherpur Tehsil Bhattiyat.	Satro S/o Gulaho.
19	Khata No. 106 (Jamabandi Hindi) Area 1 Kanal 5 marlas) Ottar.	Do.	Do.
20	Khata No. 7 (Jamabandi Hindi) (Area 3 Kanals 5 Marlas) Ottar.	Do.	Jumma S/o Kaddu.
21	Of Khata No. 105/135 1/2 (Area 2 acres 1 Kanal 2/2/5 Marlas (1/2 of 21 Bighas 7 Biswas) Ottar.	Village Siyuni Pargana Rai-pur Tehsil Bhattiyat.	Ragho S/o Bhosai.
22	Khata No. 701 (Area 2 Marlas Kohli and 1 Kanal 19 Marlas) Ottar. With one House double storeyed.	Village Chuari Khas Par-gana Chuari Tehsil Bhattiyat.	Fez Bux S/o Nabi Bux.
23	Khata No. 449 (Area 3 Acres 7 Marlas) Ottar.	Village Basa Bhujhar Par-gana Chuari Tehsil Bhattiyat.	Mir Hussain S/o Ali Mohammad.
24	Khata No. 45 (Warq) (Area 4 Kanals 10 Marlas) Ottar.	Do.	Do.
25	Khata No. 51 (Warq) (Area 6 Kanals) Ottar.	Do.	Do.
26	Agricultural land Khata No. 157 (Jamabandi Hindi) (Area 3 Kanals 4 Marlas) Ottar.	Village Hatli Pargana Bhattitkari Tehsil Bhattiyat.	Kodu S/o Maman.
27	Khata No. 40/48 (Area 4 Acres 2 Kanals 14/2/5 Marlas) Ottar.	Village Taragarh Pargana Hohar Tehsil Bhattiyat.	Nuruddin s/o Gulam Mohd.
28	Khata No. 37/45 (Area 3 Kanals 18 2/5 Marlas) Ottar.	Village Taragarh Pargana Hohar Tehsil Bhattiyat.	Gulam Mohd. S/o Gulam Kadar.
29	Khata No. 38/16 (Area 19 1/5 Marlas) Ottar.	Village Taragarh Pargana Hohar Tehsil Bhattiyat.	Gulam Mohd. & Nathi sons of Hussaina.
30	Khata No. 39/47 (Area 7 Kanals 102/5 Marlas) Ottar.	Village Taragrah Pargana Hohar Tehsil Bhattiyat.	Chuhru, Nur Mohd. sons of Jhandu and Fateh Mohd. Mohd. S/o Faquiru.
31	Khata No. 55/63 (Area 1 Acre 6 Kanals 1 3/5 Marlas) Ottar.	Village Matiar Pargana Hohar Tehsil Bhattiyat.	Fenkan and Alla Ditta sons of Yusuf.
32	Urban Agricultural Land.		
	Khata No. 296 Area 1 Kanal (270 sq. ft.) Ottar.	Mohalla Dharog Chamba Town.	Roshan Din S/o Sohnu Caste Mushinan.

New Delhi, the 5th August 1957

S.R.O. 2614—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri S. N. Bahl as Assistant Settlement Officer for the purpose of performing the functions assigned to such officer by or under the said Act with effect from the date he took charge of his office.

[No. 6/3/57-S II.]

New Delhi, the 9th August 1957

S.R.O. 2615—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints all the Deputy Commissioners of the various districts of Punjab to be Additional Settlement Commissioners in that State for the purpose of performing within their respective jurisdiction the functions assigned to an Additional Settlement Commissioner by or under the said Act, in respect of agricultural lands in any rural area including houses, cattle sheds and vacant sites, if any, in any such area allotted along with any such lands.

[No. 1(7)(30)/57-SIII]

H. S. NAIR, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 6th August 1957

S.R.O. 2616—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the following three establishments, namely:—

- (i) M/s. Rational Art and Press (Private) Limited, Prospect Chambers, Pitha Street, Fort, Bombay.
- (ii) M/s. Rational Art and Press (Private) Limited (Art Department and Office), Bell Building, 3rd Floor, Sir P. M. Road, Bombay—1.
- (iii) M/s. Rational Art and Press (Private) Limited (Composing Department), Parvathai Building, Pitha Street, Fort, Bombay—1.

have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby applies the provisions of the said Act to the said establishments.

2. This notification shall be deemed to have come into force on the 1st day of April 1957.

[No. PF.II/57(26)/57.]

S.R.O. 2617—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri R. N. Misra, Provident Fund Inspector, to be an Inspector for the whole of the State of the Uttar Pradesh for the purposes of the said Act, and of any Scheme framed thereunder, in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF-I/31(297)/57.]

S.R.O. 2618/CDLB/Am(5)/57—In pursuance of clause 4 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the Central Government hereby appoints Shri A. J. Dalton, to be a member of the Calcutta Dock Labour Board vice Shri Ph. H. Rogaar, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour S.R.O. No. 2316, dated the 8th October, 1956, namely:

In the said notification, under the heading "*Members representing the employers of dock workers and shipping companies*"

for the entry "(5) Shri Ph. H. Rogaar—Representative of the Calcutta Liners' Conference, Calcutta/U.S.A. Conference, Calcutta Continental Conference and the Bay of Bengal/Japan/Bay of Bengal Conference,"

the entry "(5) Shri A. J. Dalton—Representative of the Non-Indian Ship-owners" shall be substituted.

[No. Fac. 74(107)/56.]

R. C. SAKSENA, Under Secy.

New Delhi, the 6th August 1957

S.R.O. 2619.—In exercise of the powers conferred by sub-section (1) of Section 21 of the Tea Districts Emigrant Labour Act, 1932 (22 of 1932), the Central Government hereby makes the following further amendment in the Tea Districts Emigrant Labour (Madhya Pradesh) Rules, 1933, published with the Government of the Central Provinces, Commerce and Industry Department Notification No. 1516-XII, dated the 2nd August, 1933, as subsequently amended, namely:—

In the said Rules, rule 6 shall be renumbered as sub-rule (1) thereof and after the sub-rule as so renumbered, the following sub-rule shall be inserted, namely:—

“(2) Every child over the age of one year and below two years shall be supplied with one chattaek of rice, three chattaeks of milk and half a chattaek of sugar per meal.”

[No. PL/1-3/1/VI/55.]

New Delhi, the 8th August 1957

S.R.O. 2620.—Whereas the Central Government is satisfied that the employes in the Regional Electrical and Mechanical Workshop, Safdarjung Airport, New Delhi, which is a factory belonging to the Government of India, are otherwise in receipt of benefits substantially similar or superior to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act, the Central Government hereby exempts the said factory from all the provisions of the said Act for a further period of one year with effect from the 28th August, 1957.

[No. HI-6(218)/57.]

New Delhi, the 9th August 1957

S.R.O. 2621.—In pursuance of sub-rule (1) of Rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby appoints the Chief Inspector of Mines in India, Dhanbad, as the officer to whom notices of orders attaching the salaries or allowances of the employees of the Mines Department may be sent.

[No. M.1-48(40)/57.]

New Delhi, the 10th August 1957

S.R.O. 2622.—In exercise of the powers conferred by sub-section (1) of section 21 of the Tea Districts Emigrant Labour Act, 1932 (22 of 1932), the Central Government hereby makes the following further amendment in the Bengal Rules framed under the said Act and published with the Government of Bengal, Revenue Department, Notification No. 8525-EmI dated the 22nd July, 1933, namely:—

In rule 1 of the said Rules, the following words shall be added at the end, namely:—

“including the territories transferred to that State under the Bihar and West Bengal (Transfer of Territories) Act, 1956.”

[No. PL/1-3/2/I/56.]

CORRIGENDUM

New Delhi, the 6th August 1957

S.R.O. 2623.—In the Government of India, Ministry of Labour & Employment Notification No. S.R.O. 2454, dated the 23rd July 1957 published in the Gazette of India, Part II—Section 3, dated the 27th July 1957 on:

- (1) Page 1621. For the word 'Convered' under the Heading 'The Schedule', 1-Building at S. No. 3 after item (ix) read 'Covered'.
- (2) Page 1624: For the figures '(X 1000)' at S. No. 68 read '(1:1000)'.
- (3) Page 1624, Insert the figure '50' in between the words 'at the rate of' and 'Naiya Paise' occurring in third line in the note after S. No. 83;
- (4) Page 1624: For the word 'Forces' at S. No. 9 under the heading 'C. Medical and Surgical Equipments' read 'Forceps.'

[No. CMLWF,Am/MII,1(14)/53.]

R. M. DOIPHODE, Under Secy.

New Delhi, the 5th August 1957

S.R.O. 2624.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), read with section 30 of Act 36 of 1956, the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to Martins Light Railways comprising Howrah Amta Light Railways Company Limited and the Howrah Sheakhala Light Railway Company, Limited, Calcutta and their workmen,

BEFORE THE SOLE MEMBER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 2 OF 1957

Parties:

The Management of Martins Light Railways comprising Howrah Amta Light Railway Company Limited & the Howrah Sheakhala Light Railway Company, Limited, Calcutta

And

Their workmen, represented by Light Railways Employees Union, Howrah Maidan, Calcutta.

PRESENT

Shri A. Das Gupta, Sole Member.

APPEARANCES:

Shri S. K. Mulla of Sandersons & Morgans, Solicitors, for the Management.
Shri D. L. Sen Gupta, Advocate and Shri Shib Nath Banerjee, President of the Union for the workmen.

AWARD

By the Government of India, Ministry of Labour, Notification No. S.R.O. 588, dated the 15th February, 1957 an Industrial Tribunal has been constituted with me as the Sole Member and an industrial dispute comprising 10 items existing between the Martin's Light Railways—comprising Howrah Amta Light Railway Company, Limited and the Howrah Sheakhala Light Railway Company, Limited and the Light Railways Employees' Union, Howrah Maidan, Calcutta have been referred to me for adjudication. The items of industrial disputes as listed in the Schedule appended to the Order of Reference are:

SCHEDULE

1. Whether pay scales should be fixed in accordance with the recommendations of the Central Pay Commission.
2. Whether 50 per cent of the Dear Food Allowance should be merged with pay.
3. Whether the Dear Food Allowance should be increased as per State Railway rules.
4. Whether the hours of employment and the periods of rest including calendar day weekly rest generally, and particularly of Travelling Ticket Examiners, should be regulated according to the State Railway Rules.
5. Whether Leave Reserve should at once be provided and filled up.
6. Whether Earned Leave should be allowed to be accumulated to the extent permitted on the State Railways.
7. Whether the House Rent Allowance, allowed at the rate of 15% of the basic wages, should be increased to 25% of total emoluments.
8. Whether Compensatory and City Allowance should be given to staff working at Howrah area including the Bankra Workshop.
9. Whether all "Essential" staff should be provided with quarters.
10. Whether the existing staff quarters should be improved and remodelled.

2. Previous to the present reference which is the subject matter of the present adjudication, there was an award between the present parties which was given by Shri F. Jeejeebhoy and which was published in the extraordinary issue of the Gazette of India, dated the 5th September, 1949. Some of the issues scheduled to the order of present reference appear to have been covered by the award of 1949. In respect of these issues, specially in respect of the issue relating to revision of wages, Shri S. K. Mullick of Messrs. Sandersons & Morgans has raised a preliminary objection on behalf of the railways that the award of 1949 on those issues is a long term scheme and cannot be re-opened unless a substantial or material change of circumstances on which the award was based is made out, and in support of this contention he has referred me to the decision of the Hon'ble Supreme Court in the case of Messrs. Burn & Company Ltd., Howrah (reported in 1956 L.A.C. p. 799).

3. Among other things the Union has demanded for an upward revision of wage scales of several categories of workmen listed in the Annexure A to its written statement in the light of the recommendations of the Central Pay Commission for the Railway employees. I shall deal with the other demands at their proper places. For the present, I confine myself to the union's demand for revision of wage scales. Identical demands were made at the last adjudication before Shri Jeejeebhoy who appears to have considered the wage scales of all these categories in his award of 1949 with the exception of Station Masters and Assistant Station Masters who were left outside the adjudication on the ground that they were not workmen. Subsequent to this award, the management, of its own motion revised the wage scales of some of these workmen.

4. Prior to the decision of the Supreme Court, all the Benches of the Labour Appellate Tribunal were unanimous that notwithstanding inapplicability of the rule of *res judicata* in terms to adjudications under the Industrial Disputes Act, 1947, a wage structure settled by a previous award, should not, on principle, be altered except on justifiable grounds, but were not in agreement as to the grounds justifying such alteration. The different Benches of the Labour Appellate Tribunal differed widely as to under what circumstances such alteration was permissible. The Bombay Bench held in the cases of Army & Navy Stores Limited, Bombay (1951 II LLJ 31) and Ford Motor Company of India Limited (1951 II LLJ 231) that alteration or modification of a previous award intended to have a long term operation was permissible only on a material change of the circumstances on which the previous award was based. A Special Bench of the Labour Appellate Tribunal constituted in Calcutta to hear the appeals on the industrial dispute in the Jute Industry, West Bengal (1956 LAC 719) took a wider view of the conditions justifying alteration or modification of the previous award. According to this Special Bench, the grounds which would justify the previous award being re-opened are (i) change in the basic circumstances (ii) principle of gradual advance to the living wage standard (iii) error, anomalies and mistakes in the previous award resulting in hardship to either party or both. The question has been set at rest by the decision of the Supreme Court in the case of Messrs. Burn & Company Limited according to which alteration or modification of the previous award is permissible only on the proof of a change in the basic circumstances. The decisions of the Labour Appellate Tribunal in the case of Army & Navy Stores Ltd., and Ford Motor Company of India Limited were upheld as laying down the correct principle. According to their Lordships of the Supreme Court, any other view "would be contrary to the well-recognised principle that a decision once rendered by a competent authority on a matter in issue between the parties after a full enquiry should not be permitted to be re-agitated." Their Lordships further observed:

"It is on this principle that the rule of *res judicata* enacted in section 11 C.P.C. is based. That section is, no doubt, in terms inapplicable to the present matter, but the principle underlying it, expressed in the maxim "*intererat rei publicae ut sit finis litium*", is founded on sound public policy and is of universal application. (Vide Broom's Legal Maxima, Tenth Edition, page 218). "The rule of *res judicata* is dictated" observed Sir Lawrence Jenkins C.J. in *Sanyarson Singh V. Ramnadan Singh*, (1915-16) 43 I.A. 91; I.L.R. 43, Cal. 394; "by a wisdom which is for all time". And there are good reasons why this principle should be applicable to decisions of Industrial Tribunals also. Legislation regulating the relation between Capital and "Labour has two objects in view. It seeks to ensure to the workmen who have not the capacity to treat with capital on equal terms, fair returns for their labour. It also seeks to prevent disputes between employer and employees, so that production might not be adversely

affected and the larger interests of the society might not suffer. Now if we are to hold that an adjudication loses its force when it is repudiated under section 19(6) and that the whole controversy is at large, then the result would be that far from reconciling themselves to the award and settling down to work it, either party will treat it as a mere stage in the prosecution of a prolonged struggle, and far from bringing industrial peace, the awards would turn out to be but truces giving the parties breathing time before resuming hostile action with renewed vigour. On the other hand, if we are to regard them as intended to have long term operation and at the same time hold that they are liable to be modified by change in the circumstances on which they were based, both the purposes of the legislature would be served. That is the view taken by the Tribunals themselves in *The Army & Navy Stores Ltd., Bombay V Their Workmen*, 1951(2) L.L.J. 31 and *Ford Motor Co. of India Ltd. V. Their workmen* 1951(2) L.L.J. 31, and we are of opinion that they lay down the correct principle, and that there were no grounds for the Appellate Tribunal for not following them."

5. The Hon'ble Supreme Court substantially set aside the decision of the Labour Appellate Tribunal which was according to their Lordships, is error in brushing aside the previous award and deciding the matter afresh. The decision of the Labour Appellate Tribunal in the case of *Burn & Company Limited* only on one single point which related to fixation of the minimum wage of the clerical staff was upheld, as in their Lordship's opinion the previous award on this point would not stand on account of an error of a fundamental character on the face of the record. Obviously, therefore, a previous award may be modified or altered if there has been since the award a change in basic circumstances or if there has been on the face of the record, an error of a fundamental character in the award. We are to decide on this legal principle whether the award of 1949 is liable to be re-opened and a fresh award is called for on issues covered by the previous award. We are, therefore, to enquire whether there has been any change in the circumstances on which the previous award was based or whether there was on the face of the record any error of fundamental character in the previous award or in any part thereof.

6. The workmen pressed that the present companies earned huge profits and at the hearing *Shri Sen Gupta* in reply to the preliminary objection raised by *Shri Mullik* submitted:

- (1) that the learned adjudicator committed fundamental error in revising the wage scales of different categories of workmen in an *ad hoc* manner without taking into account the needs of a workman with a standard family of three consumption units and without any scientific basis whatsoever and with undue stress on the capacity of the Railways concerned;
- (2) that since the award of 1949 the companies have raised the rates and freights and the financial position has substantially improved but that a substantial portion of the profits is being utilised in giving high increments to the officers and in maintaining highly paid superfluous staff newly appointed without any heed to improve the low scales of the workmen.

In 1947 the wage scales of the different workmen in the light railways under the management of *Martin Burn & Co.* were revised by an agreement and this agreement was placed before the learned adjudicator *Shri F. Jeejeebhoy*. The learned adjudicator appears to have considered, among other things, this agreement, the *West Bengal Engineering Award*, the award for the *Calcutta Chamber of Commerce* and the wage structure in the *State Railways* as recommended by the *Central Pay Commission* and the principles for fixation of wages as laid down by the *Report of the Fair Wages Committee*, and observed;

"The principle which this Tribunal followed in the fixation of basic wages and dearness allowance has now been confirmed by the *Fair Wages Committee*. It is fundamental that the based wage plus dearness allowance shall not fall below the lower ceiling in the fair wage structure and it is now recognised that the basic wage should be about 160 where it was 100 in 1939."

The fourth column of Exhibit 24 appended to the award indicates the wage scales as settled by the agreement. The remarks in the last column show that the adjudicator took into consideration the Bengal Chamber of Commerce scales as also the scales prevalent in other commercial offices. The learned adjudicator substantially upheld the agreement of 1947 except that where the wages were below 160% of the 1939 scale of the basic wage, he directed that wherever the basic wage of a workman as introduced by the agreement in January 1947 (other than head office clerical staff) fell short of 1939 scale plus 60% that should be advanced accordingly and that whenever the 1947 figures were found to be short of what was awarded, the requisite addition shall be met throughout the grades.

7. The report of the Central Pay Commission and the awards of the Bengal Chamber of Commerce in the Engineering Industry in West Bengal took into account all the relevant considerations—e.g. the actual needs of a workman with a standard family of 3 consumption units the prevalent wages for comparable jobs in the neighbourhood. The adjudicator must be presumed to have examined in the light of these considerations, the wage structure as settled by the agreement in 1947. It has been settled that a minimum basic wage for an unskilled worker of the lowest category should not be less than Rs. 30/- and the Central Pay Commission has fixed the scale of Rs. 30-4-35 for such workers. The minimum wage scale for an unskilled worker of the lowest category has been fixed by experts and the wage fixing authorities with reference to his actual needs for a standard family of three consumption units according to the accepted conception of a minimum wage. The learned adjudicator in his wisdom accepted these minimum wage scales recommended by experts and adopted by the Industrial Tribunals in India, without repeating the theory of nutritional diet and calory requirements. The criticism against the omission to repeat these accepted factors in the award is "one of form rather than of substance" as observed by the Hon'ble Supreme Court in the case already referred to.

8. Having settled the wage scales of the unskilled workmen of the lowest category at Rs. 30-4-35 the Tribunal proceeded to settle the wage scales of other categories of workmen. The wage scales of some of the principal categories as settled by the award were :

- (i) Rs. 50-3-80
- (ii) Rs. 80-4-120.
- (1) Clerks—loco and traffic:
- (2) Time-keeper : Rs. 50-3-80.
- (3) Skilled workmen, e.g. Blacksmith, Fitters, Carpenters, Boiler Makers and Welders : Rs. 50-2-70-3-85.
- (4) Semi-skilled workmen e.g. Assistant Blacksmith, Assistant Fitter, Assistant Carpenter, Assistant Boiler Maker and Assistant Welder, Beltman: Rs. 40-1-50.
- (5) Hammermen, Lathermen, Painter, Tindals: Rs. 35-1-45.
- (6) Ticket Collectors : Rs. 38-1-42-2-60.
- (7) Booking Clerks and Goods Clerks : Rs. 40-2-58-3-85
- (8) Signallers: Rs. 40-2-50-3-65.

9. The minimum basic wage at pre-war cost of living index for the lowest category of workmen on nutritional diet standard as recommended by the Central Pay Commission has come to stay as the minimum standard wage in India for the generality of the unskilled workmen in industrial concerns in normal conditions and under normal circumstances. Justice Shri Rajadhakshya in his award for the postal employees in 1946 came to the conclusion that the cost of living of a middle class family is 80% higher than that of the working class family. This had no doubt the approval of the Central Pay Commission and gradually tends to develop into a convention in the industrial fields in fixing the wages of the clerks who generally come from this middle class, but this convention has not acquired any inflexible rigidity. Shri S. N. Guha Roy (now a Judge of the Calcutta High Court) in adjudicating upon the industrial dispute of the workmen of the Calcutta Tramways Company Limited (Award published in the Calcutta Gazette under Government of West Bengal Notification No. 114-Lab., dated 27th May, 1947) observed:

"I think it will be just and proper to take a standard diet of the average middle class family to be about 50% higher than that of the middle class."

A Special Bench of the Labour Appellate Tribunal in fixing the wages of the clerical staff in the case of Cultex India Limited (1952 LAC 402) assessed the needs of the clerical staff at 1.8 times those of the working class family and fixed the minimum basic wages for a clerk at more than 1.8 times the basic wages of an unskilled worker of the lowest category. But the same Special Bench while fixing the minimum basic wages of an unskilled workman in the lowest category in the case of Buckingham and Carnatic Company Ltd. (1952 LAC 490) at Rs. 28/- refused to increase the minimum basic wage of a clerk which had been fixed at Rs. 46/8/- which was roughly 1.67 times the minimum basic wage of an unskilled worker. Both are leading cases on this subject. An analysis of the decisions of the Industrial Tribunals as also the Labour Appellate Tribunal discloses that the convention of fixing the minimum basic wage of a clerk on an estimate of requirements of a middle class family at 1.8 times of those of a working class family admits of such modifications as the financial capacity of the concern admits. In the instant case the minimum basic wage of a routine clerk as fixed by the Tribunal was 1.67 times that of the unskilled worker of the lowest category as in the case of Buckingham & Carnatic Company Limited. The financial position of the light railways was duly examined by the Tribunal and the Tribunal's finding was that it had before it two cases of light railways which could not stand a higher wage bill. The following observations of Shri Guha Roy about the progressive change in the basic considerations of the broad divisions of workmen may be of some interest:

"I should classify the different categories of employees under the broad head viz., those of the working class and those of the middle class. The reason for this is obvious. Such a division is one of the basic realities of our social life and the two classes separate it from each other by their ways of life, habit and tradition. The barrier, however, between the two is no longer rigidly fixed as in olden times when hereditarily even more than income level was the determining factor, whether we should belong to one or to the other class. Now-a-days of course, education and wealth tend more and more to shift the line of demarcation backwards and forwards with the result that as members of the working class acquire them they cross over to the middle and as member of the middle class lose them they cross over to the working class. In the perpetual process of social change and adjustment it may not be always easy in any particular case whether an individual belongs to the one or to the other."

The general tendency among members of the middle class is to marry late. In this context the Central Pay Commission although approving of the estimate of the requirements of a middle class family at 80% more than those of a working class family, observes, "It must be remembered that the estimates of minimum requirements above referred to relate to a period when the employee may be reasonably expected to have at least two children to support besides his wife. This will roughly be about the seventh or eighth year of his service even according to Indian conditions."

10. While recommending the scale of Rs. 55—130 for the generality of clerks the Central Pay Commission recommended that suitable scales from Class IV might be adopted for clerks who are not required to be even matriculates. Thus the qualification required for a job and not the family connection by birth of the workmen concerned is a consideration for fixing the appropriate scale for him. We are told that previously no qualification was insisted upon. Now the Management has been insisting that the candidate must be a matriculate.

11. Shri Sen Gupta invites my attention to the scales of pay recommended by the Central Pay Commission for different categories of workmen employed in the railways, and contends that the workmen of the present light railways perform within their limited sphere the same jobs as are performed by the workmen of the State Railways. He urges that on no equitable principle, the wage scale of the employees of the present light railways can be kept low. He further urges that at least one of the units of the light railways under the management of Messrs Martin Burn Limited, namely, the Sahadara—Saharanpur Light Railway adopted the State Railway scales of wages for the workmen. These points appear to have been agitated at the previous adjudication and the learned adjudicator on a careful consideration of the submissions on behalf of the workmen answered thus:

"The workmen's contention that all private Railways should pay wages at the same rate as the State Railways is a plea which I am unable to accept. There is a good deal of difference between the State Railways and private Railways, private Railways are necessarily run on commercial lines with an eye to profit, while the State Railways

are more concerned with the public service. The profits on one State Railway can be set off to equalise loss on another which is not possible with these small private Railways. Further more the nature of the work of State Railways and the private Railways, and also among private Railways themselves differs so much that no hard and fast rule is permissible as to what private Railways should pay to its workmen while there are some prosperous private Railways; there are also Railways which are working at a loss, and this Tribunal had had before it the cases of two Light Railways which could not stand a higher wage bill."

12. To this observation I need only add that the present Light Railways cannot stand comparison with the State Railways in any way specially in respect of resources, income, scope and extent of operation. The State Railways practically cover the whole of the sub-continent of India, whereas the two Light Railways before us traverse only 43.87 and 16.5 miles respectively. The workmen appear to have demanded as a last resort that at least the minimum of the State Railways scales should be applied to the Light Railways. The learned Tribunal did not find any justification to adopt the minimum of the State Railway scales in all cases. It has been urged that the Sahadara Saharanpur Light Railway under the management of Martin Burn Company Limited has adopted the State Railways scales and pay. The two Light Railways can hardly be compared with the Sahadara Saharanpur Light Railway as will appear from the comparative table below:

Comparative chart indicating the workings of Sahadara Saharanpur Light Railway, Howrah Amta Light Railway and Howrah Sheakhala Light Railway.

(Based on History of Indian Railways, 1951)

Route mileage	Total capital outlay (in thousand rupees)	Net earning (in thousand rupees)	Total income (in thousand rupees)	Percentage of total income to capital outlay.
S.S. Light Rly. 92.50	61.55	10.16	805	13.07
H.A. Light Rly. 43.87	56.59	5.67	460	8.13
H.S. Light Rly. 19.75	12.36	1.29	115*	9.29*

*The total income includes compensation of Rs. 1,25,000 received from Eastern Railway. This has since been stopped.

The overhead expenditure of undertakings is not proportionate to their activities. In larger activities the over-head expenditure is proportionately lower and this undoubtedly affords greater facilities for improvement in all possible direction including labour conditions. Besides, Sahadara Saharanpur Light Railway which covers an area of 92.5 miles operates in an area which is 900 miles off from here, catering to a different locality. We are not aware of the financial position of Sahadara Saharanpur Light Railway in details, nor are we aware if it operates in unfavourable circumstances similar to what the two Railways before us have to face. From the details in the History of Indian Railways, 1951 we may presume that the Sahadara Saharanpur Light Railway is financially much better off than the two Railways before us.

13. The two Railways can hardly be compared with other commercial undertakings which can fix their price of commodities manufactured by them on the cost of production with reasonable margin of profit. The fares and the freight of the railways are controlled by the Government and apart from the Government control, the fares and freight have got to be kept below even the sanctioned rate, at least for some distance in view of the road transport buses which run upto Domjur and the authorities in their wisdom retained the lower class fare for this distance at six pies per mile despite Government sanction to raise the fare to 7½ pies per mile. In spite of this, the lower class train fare continues to be higher than the corresponding bus fare. If in these hard days when every one is in a tight corner, the authorities are apprehensive of the competition, no one can blame them. The competition from the bus service has been staring the two light

railways in the face. Shri Sen Gupta contends that all the light railways under the management of Messrs. Martin Burn & Co should have uniform wage scales and dearness allowance for their workmen and in support of this contention he urges that the employees of the Light Railways under the management of Martin Burn Co. Ltd. are liable to be transferred from one of these railways to another and invites my attention to the Service Regulations of the Martin's Light Railways (1953) Chapter I, Rule 121 which reads as under:

"Employees shall be liable to transfer from any station to any station on any railway of which Messrs. Martin Burn Ltd. are Managing Agents nor the officers thereof shall be held liable for any loss to the employer which may be caused by any such transfer."

I am told by Shri S. K. Mullick on behalf of the railways that this rule is a dead letter so far as low paid employees are concerned. The contention of Shri Sen Gupta cannot be given effect to in the absence of the other railways and their employees. I understand that according to the rule quoted above if an employee of the Sahadara Saharanpur Light Railway is transferred to Howrah-Amta Light Railway or Howrah Sheakhala Light Railway, he will get the wage scales and dearness allowance prevalent in the Howrah Amta Light Railway or Howrah Sheakhala Light Railway as the case may be. If on the other hand an employee of Howrah Amta Light Railway or Howrah Sheakhala Light Railway is transferred to Sahadara Saharanpur Light Railway, he will get the higher scales of pay and dearness allowance prevalent in Sahadara Saharanpur Light Railway. Hence the rule of transfer in the existing position does not prejudicially affect any employee of the Howrah Amta Light Railway or the Howrah Sheakhala Light Railway. The rule may affect an employee of the Sahadara Saharanpur Light Railway but as he is not before me I am not in a position to give any decision in the light of the rule for transfer of employees from one railway to another and I do not consider that the learned Adjudicator was in any error in not giving the wage scales of the Sahadara Saharanpur Light Railway to the employees of the other Light Railways. I may, however, recommend that Class III and Class IV employees may not be transferred from one State to another unless they desire such transfer of their own free will.

14. About the oft repeated argument advanced on behalf of the workmen that an undertaking which is not financially stable enough to pay the minimum wages to its workmen has no right to exist, I may mention that although some of the judges of both the primary tribunals and the Labour Appellate Tribunal have expressed such a view in their decisions, I am not inclined to hold that such decisions intended to lay down an inflexible proposition of law. If really this was so, the minimum wages fixed for comparable jobs by different Tribunals in the same region would have been the same. The mere fact that minimum wages for identical jobs fixed by different tribunals vary widely indicates that the tribunals were not altogether unmindful of the financial capacity of the industry in fixing the minimum wage scales for its workmen. This point was considered by a Special Bench constituted at Calcutta to hear the appeals on the industrial dispute in the Jute Industry in West Bengal. Care must be taken that the burden of wages and dearness allowance which undoubtedly constitute a recurring revenue expenditure does not exceed the revenue income and encroach upon the capital or reserve or lead the industry to heavy debts and thereby lead to a total collapse of the industry. A consideration of no less importance suggested by the Fair Wages Committee is that the object is not merely to determine the wages which is fair in the abstract but to see that employment at the present levels is not only maintained but if possible, increased. These considerations must always be borne in mind. Further complications to the embarrassing national problem of unemployment which is increasing in volume must be avoided by all means. The demands of the workmen must be examined against the background of the financial position of the industry and its future, in the light of the past and prospective change and with due regard to the rational problem of unemployment and requirements of the industry in maintaining its implements in proper working order. I am accordingly of the opinion that there was nothing wrong in the previous award in fixing the wage scales having regard to the financial capacity of the industry to bear the burden and its future prospect to maintain the burden at least for some time to come.

15. The management appears to have revised the scales of some categories of workmen in an upward direction after the award and the case of the management is that since the award, the Railways on their own motion revised the scales of pay and dearness allowance of the staff from time to time as far as their resources would permit. Shri Sen Gupta's contention is that by such a revision the Railways admitted that there was an error in the award. The contention does not carry conviction with me. Even if this contention of Shri Sen Gupta be

acceptable, it cannot by any stretch of imagination be presumed that this revision of wage scales of some categories would amount to the management's admission about incorrectness of the award in its entirety. All that may be presumed is that the management felt that the scales that were revised were not proper scales and required revision. The original scales for these categories were accordingly replaced by the proper scales, namely, the revised scales. I shall discuss later whether such revision of the wage scales of some of the workmen without any increase to the others amounted to any substantial change of the circumstances.

16. As I have already said, at the last adjudication of 1949, the Station Masters and the Assistant Station Masters were left outside the adjudication on the ground that they were not workmen. Now under the amended definition of 'workman' they are covered by the definition. Further on a scrutiny of the award I find that some carpenters were grouped with un-skilled men, namely, gangmen, trolley-men and coolies (Item 21 on page 1552 of the award) and were awarded a scale of Rs. 30- $\frac{1}{2}$ -35, whereas some other carpenters were grouped with blacksmiths, fitters and machinemen (Item No. 24 on page 1552 of the award) were grouped as skilled workmen and awarded the scale of Rs. 50-2-70-3-85. No explanation has been assigned for this anomaly. Similar anomaly appears in the award in respect of chowkidar (Item No. 37 on page, 1553 and Item No. 60 on page 1554 of the award). Some of the Chowkidars appears to have been placed in the scale of Rs. 30- $\frac{1}{2}$ -40 while others in the scale Rs. 32- $\frac{1}{2}$ -40. I have been told by Shri S. K. Mullick that there is no carpenter on the scale of Rs. 30- $\frac{1}{2}$ -35 and there is no Chowkidar on the scale of Rs. 30- $\frac{1}{2}$ -40. The learned Adjudicator did not appear to have considered the wage scales of Mason and Amin-Mistry (Page 1552 of the award). The award also does not lay down any scale for wiremen, electrician, diesel and pump attendant. I am told by Shri S. K. Mullick that there is no Amin-Mistry in these two railways. I am also told that there is no Chowkidar on the scale Rs. 30- $\frac{1}{2}$ -40 or any Carpenter on the scale Rs. 30- $\frac{1}{2}$ -35. Even if this be so, these points require clarification. I find from the chart under the different designations that there are 5 masons. Exhibit 34 appended to the award of 1949 indicating the scales of pay of different categories of workmen existing in 1949 and the scales of basic pay fixed by the agreement of 1947 does not show that a scale was fixed for masons in 1947 by agreement. Hence, on the legal principle laid down by the Hon'ble Supreme Court in the case of Messrs. Burn & Co. Limited, there is no bar to the wage structure in respect of station masters, special station masters and assistant station masters, masons, carpenters on the scale of Rs. 30- $\frac{1}{2}$ -35 and chowkidars on the scale of Rs. 30- $\frac{1}{2}$ -40, wiremen, electricians, diesel attendants and pump attendants being agitated before me.

17. The second ground urged on behalf of the workmen to justify revision of the wage scales as awarded by Shri F. Jeejeebhoy is that there has been considerable improvement since the award in 1949 in the financial position of the two railways by increasing the rates and freights, by increasing the number of locomotives, coaches, wagons as also increasing the capital of the Howrah Amta Light Railway by floating preferential shares to the extent of 10 lacs. These are undoubtedly good signs and these improvements taken by themselves in isolation may lead one to believe that the financial position of the two companies have considerably improved. None of these items in isolation has any real value and the learned Adjudicator did not consider them separately. What we are concerned with is the aggregate result of these improvements and in calculating the aggregate result we cannot leave out of consideration the expenditure incurred. None of these items of improvement may by itself be regarded as a material change in the basic circumstances.

18. The gross earnings of the two railways have undoubtedly increased since 1949 as will be clear from the Balance Sheets at the end of 30th September 1948 and 31st March 1956 of the two companies. Superficially this is encouraging. I append a table to this award (Table I) which will show at a glance the real position. The entire capital and the reserve although sunk in the total capital outlay were not sufficient to meet the requirements. The deficit which considerably increased in 1956 over what was found by the learned Adjudicator on 30th September, 1948 must have been met partly by overdraft and partly by withholding payments to creditors. In the case of the Howrah Amta Light Railway this excess amounted to Rs. 9,04,240 and on 31st March, 1956 Rs. 11,41,528. In the case of Howrah Sheakhala Light Railway this deficit increased from Rs. 16,637 on 30th September, 1948 to Rs. 3,46,048 on 31st March 1956. The position of the Howrah Amta Light Railway would have been much worse if the capital had not been increased by Rs. 10 lacs by floating preferential shares. Although the overdraft of the bank may be regarded as a floating trade debt, the debts due to the creditors must be liquidated within a reasonable time. About the

debenture of Rs. 7 lacs under the head capital and reserve, it cannot be disputed that this is also a debt and finance must be found out to discharge the debt within a reasonable period. This debenture debt is running since 1905 in which year it was floated. This was originally carrying interest of 5 per cent then the interest was raised to 6 per cent and has again been reduced to 4 per cent. This is repayable in 1968. The evidence says that the company could not set apart anything for redemption of these debentures except that the company purchased thereon debentures to the nominal value of Rs. 51,000. Shri Das, Chief Accounts officer of the company says that the Howrah Amta Light Railway could not set apart any money for redeeming these debentures. Shri Jeejeebhoy appears to have recommended in his award an annual provision of Rs. 35,000 to re-pay the debentures at the end of 20 years, but this could not be done. The latest Balance Sheets placed before Shri Jeejeebhoy were for the half year ending 30th September, 1948. The half-yearly Balance Sheet for Howrah Amta Light Railway show a net profit of Rs. 1,07,233/-. Shri Jeejeebhoy proceeded on an estimate of the annual net profit for the year 1948-49 at double of this figure. This expectation of Shri Jeejeebhoy was not only belied for the year 1948-49 but also for subsequent years. In the half year ending 31st March 1949 (just preceding the award of 1949) the Howrah Amta Light Railway earned a net profit of Rs. 89,823/-, making up a total net profit for the year to Rs. 1,97,056/-. That was the highest figure of net profit within the last 8 years. This is what is found from the balance sheets.

19. Tables Nos. II and No. II-A which have also been made an annexure to this award show that against the increase of gross earnings of the Howrah Amta Light Railway in 1955-56 over that of 1948-49 by 19 per cent, there was an increase in the working expenditure by 44 per cent over that in 1948-49. The salaries and wages also increased by 45 per cent. The result was that after allocation of the usual reserves and after payment of the usual dividends nothing were left out of the earnings of 1955-56 to be carried forward to the Balance Sheets. On the other hand the appropriations for the usual reserves and dividends left a deficit of Rs. 17,828/-. The balance carried forward from the past years was Rs. 72,158. In the case of Howrah Sheakhala Light Railway the increase in the gross earnings in 1955-56 was 37 per cent over those of 1948-49, whereas the increase in the working expenses and salaries and expenses were respectively 58 per cent and 54 per cent over those of 1948-49 with the result that only Rs. 2,000 could be carried over to the Balance Sheet after the payment of dividend out of the earnings of 1955-56 and nothing could be appropriated for reserves except a sum of Rs. 13,000 which was allocated to replacements and renewals.

20. Funds must be provided to keep the rails, coaches, engines and wagons in proper working conditions which is calculated to lead to the ultimate advantage of labour. Evidence was led about the average life and cost of replacement of locomotives, wagons and coaches. In the case of the Millowners Association, Bombay, the Full Bench of the Labour Appellate Tribunal of India suggested a liberal estimate in making a provision for replacement and rehabilitation. Although that was a case for bonus, the principle is applicable in all cases. As I have already pointed out that the reserves provided in the Balance Sheet under different heads have already been ploughed back in the industry without leaving a farthing for replacement of locomotives, wagons, coaches and rails. Tables III and III-A will show that for the Howrah Amta Light Railway, the immediate requirement under this head would be over Rs. 12,00,000 and that for Howrah Sheakhala Rs. 30,000, the total requirement for replacement of locomotives, wagons, coaches and rails in 45 years would be Rs. 56,02,000 and Howrah Amta Light Railway and the Howrah Sheakhala Light Railway Rs. 14,75,000. If these amounts were spread over 45 years, the annual share would have been Rs. 1,26,711 in the case of Howrah Amta Light Railway and Rs. 32,777 in the case of Howrah Sheakhala Light Railway. But this is not possible in the case of Howrah Amta Light Railway where immediate requirement is over 12 lacs. As I have already pointed out that the reserves will not be available for replacement of locomotives, wagons and coaches they have already been spent up. I may mention that reserves for replacement and rehabilitation of the rails, locomotives, wagons and coaches must have priority over the claim of the workmen for increase of their wages. Minimum wages of the workmen is a first charge on the revenue only after making provision for replacement and rehabilitation, the importance of which can hardly be disputed. The estimates as per tables III and III-A do not include the costs of replacement of rails. I had been to Patihal, Dakshinbari, Baragachia and Nathalia on inspection. I saw the rails worn out. I saw that some new rails had been laid and I was told that the rails had been replaced for only a small portion. We find from the History of Railways, 1951, that the rails for the two railways were laid in 1897 and these were extended from time to time to their present lay out.

The last layout of rails in Howrah Amta Light Railway was in 1908 and in Howrah Sheakhala Light Railway was in 1898. The evidence is that cost of replacement is Rs 40,000 to Rs 45,000 per mile (excluding price of sleepers).

21 With the opening of the Howrah Burdwan Chord in 1919, some of the stations of the State Railways (now Eastern Railway) came very close to some stations on the Howrah Sheakhala Light Railway. This affected the light railway. The matter was taken up to the Railway Board who assured to compensate the Howrah Sheakhala Light Railway for the loss that might be caused to it by the opening of the Howrah Burdwan Chord. This compensation was paid till April, 1954, when it was stopped. As a result, the Howrah Sheakhala Light Railway had to close down a branch line Chanditala to Janai covering about 2.37 miles.

22 Howrah Amta Light Railway sold some surplus land in 1956-57 for approximately Rs 3 lacs. This may ease the railway of a portion of its debts. It had some other land at Uttar Bantra which may be sold for Rs 5,000 to Rs 6,000. The evidence is that attempts are being made to sell the land. This will also give some relief although not very substantial.

23 The Union represents that the increase in the wage bill in the two railways as indicated in Tables II and II-A is mainly due to abnormal rise in the salary and allowances of the already highly paid officers. The Union's contention is that the companies have been very extravagant in this respect although they were extremely niggardly in their deal to the workmen. If in the matter of increasing the salaries of the highly paid officers or creating new posts for them, the management had exercised the same restraint as was done in revising the wages of the workmen, the salary and wage bill would have been much less than what has been shown in the Balance Sheets. The Union's further contention is that the railways would have had considerable net earnings if the abnormal increase in the salary of the already highly paid officers was not adopted and if the fat salaried posts were not created. The Union has placed before me a list of officers (Document No. I annexed to Exhibit W 1) some of whom are said to have been newly appointed with fat salaries and allowances and in the case of some the salaries and allowances were increased after changing their designations. According to the Union most of these officers are superfluous. The list is quoted below:

Basic salary of the officers of the Company in 1956

General Manager	3,200/-
Chief Engineer	1,700/-
Chief Personal Officer	1,300/-
Asstt. Personal Officer	550/-
Asstt. Engineer (H & L Office)	680/-
Secy to General Manager	740/-
Asstt. Engineer (Line)	500/-
Chief Mechanical Engineer	1,700/-
Deputy Mechanical Engineer	1,450/-
Asstt. Mechanical Engineer	500/-
Statistical Officer	400/-
Claims Officer	550/-
Traffic Supdt.	1,350/-
Deputy Account Officer	1,150/-
Asstt. Account Officer	450/-
ATS (H & L Office)	640/-
ATS (Line)	600/-
Offic. Supdt. at Delhi	1,900/-
Deputy Engineer at Delhi	1,500/-
D.L.O.	700/-
Offic. Sup. at Arrah	1,400/-

NB—All the officers are getting D.A. at the rate of 20 p.c. for the last 2/3 months in place of 15 per cent, car allowance Rs 150 per month and T.A. and one and half month's basic pay as an efficiency bonus.

The rate of the T. A. as follows:

General Manager at the rate of Rs. 10 per day.

Departmental Head Rs. 9 per day.

Officers drawing 500 and over Rs. 7-8-0 per day.

Below Rs. 500 Rs. 6 per day.

Over and above whenever they visit Howrah Maidan station from Head Office they are entitled to get Rs. 5 as a conveyance charges but in the case of staff only 0-4-0 (annas four) is sanctioned.

The executive posts have increased by appointment of new men in recent years and by change of designations and their wages have also been tremendously increased.

At the argument I was told on behalf of the management that the Office Superintendent at Delhi, Deputy Engineer, Delhi, District Loco Officer and the Office Superintendent at Arrah are for other railways under the management of Messrs. Martin Burn Limited and are not paid by the present railways. The Assistant Traffic Superintendent, Head Office, came here temporarily and has since been transferred to Bihar and is not paid by the present companies. He was transferred in March. In any case, the two Light Railways before me had to contribute to his salary in 1955-56. The contributions of the Howrah Amta Light Railway and the Howrah Sheakhala Light Railway on account of the basic salary of this Officer in 1955-56 was respectively Rs. 2,040 and Rs. 408. I shall discuss the point as I understood it from the arguments of the parties. I have been further told that there is no Statistical Officer. A new post has been created with the designation Section Head, Statistics, on a salary of Rs. 190 per mensem and not Rs. 400 per mensem as indicated in the list filed by the Union. Previously there was a General Manager who was also qualified as an Engineer. He was getting Rs. 3,600. He had a District Engineer on monthly salary of Rs. 500 to assist him and a Secretary on a monthly salary of Rs. 900. Now that the present General Manager is not an Engineer, he has been given a salary of Rs. 3,200. To look after the works which require a knowledge of engineering, one Chief Engineer on a monthly salary of Rs. 1,700 and an Assistant Engineer on a monthly salary on Rs. 680 have been appointed. The new secretary to the General Manager gets Rs. 500 per mensem. The total monthly basic salary of the present officers to look after the work which previously the General Manager and the District Engineer carried on with the Secretary to the General Manager has come up to Rs. 6,080 as against Rs. 5,000. Thus there has been an increase of Rs. 1,080 in the monthly expenditure. Then about the Chief Mechanical Engineering Section, the work was previously managed by a Chief Mechanical Engineer on a monthly salary of Rs. 2,200 and a District Loco Superintendent (Engineer) on a monthly salary of Rs. 900. In their place, a Chief Mechanical Engineer on a monthly salary of Rs. 1,700 and a Deputy Mechanical Engineer on a monthly salary of Rs. 1,450 have been appointed. In this section the increase in the monthly salary of these officers comes up to Rs. 50. In the Accounts Department there were previously one Chief Accounts Officer who was paid by the Managing Agents, a Chief Auditor and an Assistant Audit and Accounts Officer on monthly salaries of Rs. 800 and Rs. 600 respectively. The two last mentioned officers were on the pay roll of the railways. After the re-organization there has been a post of Chief Auditor and Accounts Officers who is paid by the Managing Agents and to assist him there are two Accounts Officers and one Assistant Audit and Accounts Officer on monthly salaries of Rs. 1,150 and Rs. 450 respectively. The increase in the monthly salary bill of this section is Rs. 200. Previously there was a Store-keeper on a salary of Rs. 250. The post has been replaced by a post of Assistant Controller of Stores on a monthly salary of Rs. 500. The post of Section Head Statistics (basic monthly salary Rs. 190), Assistant Engineer (Line) (basic monthly salary Rs. 500), Claims Officer (basic monthly salary Rs. 550), Chief Personnel Officer (basic monthly salary Rs. 1,300), and Assistant Personnel Officer (basic monthly salary Rs. 550) are new posts. Previous to this there was one Traffic Superintendent on a salary of Rs. 700. This department is manned by a Traffic Superintendent on a salary of Rs. 1,350 and an Assistant Traffic Superintendent on a salary of Rs. 600. The increase in the salary bill in this department is Rs. 1,250 per month. The total monthly salary for the newly created jobs is Rs. 3,090. I am told that the salary bill of all these officers are borne by all the five railways under

the management of Messrs. Martin Burn Limited. The Howrah Amta Light Railway has got to contribute 25 per cent of the salary bill and Howrah Sheakhala Light Railway 5 per cent. I was told, by the management at a later stage that in 1949, the salaries of the District Loco Superintendent and District Traffic Superintendent were charged to only Howrah Amta Light Railway, H. S. Railway, A. S. Railway and S. S. Railway in the ratio 50:10:30:10 but that of the Assistant Audit and Accounts Officer to all the five railways including S. S. Railway. There is no satisfactory evidence on this point. Nothing was placed before me why the salaries of some officers were borne by four Railways and why the salary of some others by Railways. Besides there is nothing to show when this change came into force. The total monthly increase due to this re-organisation, in the salary bills of Howrah Amta Light Railway and Howrah Sheakhala Light Railway works out to Rs. 1,650 and Rs. 300 respectively. As a result of the re-organisation, total annual increase in the salary bills of the officers mentioned above for the two railways are respectively Rs. 17,760 and Rs. 3,192 representing 63 per cent and 57 per cent of the salary bills of the officers prior to the award of 1949. I am told that this re-organisation was effected in 1951. The gross earnings of the two railways in 1955-56 as compared with those in 1948-49 increased respectively by 19 per cent and 37 per cent as indicated in Table II and Table II-A annexed to this award. These two tables will also show that the increase in the salary and wage bill since 1948-49 has been 45 per cent and 54 per cent respectively. It is clear that the substantial portion of the increase of the salary and wage bill is due to the re-organization. There has been some increase in the locomotives, wagons and coaches, in the speed of the trains and the total miles run since 1948-49. I make no comment on the justification or otherwise of the re-organisation at such a heavy cost. No special reasons have been assigned to justify the re-organisations. In my calculation, I have only considered the basic salary. If we add to the basic salary the dearness allowance of 20 per cent and other allowances the increased cost by the re-organisation would exceed Rs. 24,000 in the case of the Howrah Amta Light Railway and Rs. 4,300 in the case of the Howrah Sheakhala Light Railway. The Central Pay Commission at page 177 of the report recommends a fixed pay of Rs. 2,750 for General Manager of the State Railways. Nothing has been pointed out to me to justify a higher salary for the General Manager than that recommended by the Central Pay Commission for the State Railways. There is a general cry for voluntary restraint. I do hope that the highly paid officers would make some sacrifice for the benefit of the low paid workmen. The requirements for impending replacement of rails, locomotives, coaches and wagons do not appear to have stood in the way of this costly re-organisation. I am told that maintenance of personal officers is imperative. This could be done on a lower salary.

24. After the award the management of their own motion revised the scales of some of the workmen as has been indicated in the Annexure F to the company's written statement. The partial revision of the wage scales of some categories of the workmen at random has, the workmen urge, disturbed the wage differentials in the wage structure of the workmen of the Railways. I am accordingly of the opinion that the discrimination in the case of the highly paid officers and the partial revision of the wage scales of some of the workmen may reasonably lead to the presumption that the financial position of the Railways has improved and may thus constitute substantial ground justifying a revision of the wage scales. It appears that the Union approached the General Manager for revision of pay scales of the workmen at about the beginning of 1956 and negotiations were carried on between the General Manager and the Union representatives on several dates. The General Manager is said to have proposed the scales of some of the categories of workmen as indicated in column 3 on document No. 2 of Ex. W-1. That the proposal about the scales came from the General Manager is not disputed. The proposal related to the wage scales of the Ticket Collectors, Signallers, Booking Clerks, Goods Clerks and Shed Clerks, T.T.E., Station Masters, Assistant Station Masters, Station Master on special Grade, Batch Incharge, Head Booking Clerk, Pointsmen, Points Jamadar, Firemen, Shunters, Drivers, skilled workmen of all departments, steam men, key men, semi-skilled workmen of all departments and gang mate. It was however made clear during the discussions that the proposed scales were not the accepted scales and that to be effective the scales were to be sanctioned by the Managing Agents. It was also made clear that the proposed scales could be placed before the Managing Agents for their approval after ascertaining the view points of the Union. But, as the proposed scales were not acceptable to the Union the matter did not proceed further and no final decision was arrived at. By a letter dated 31st March, 1956 the General Manager intimated the President of the Union that a revision had been effected in the wage scales of the key men, steam men, mates and semi skilled staff. The revision was as under:

Categories	Existing scales	Revised scales
Semi skilled staff	Rs. 40-1-50	40-1-52
Key man	" 32- $\frac{1}{2}$ -40	32- $\frac{1}{2}$ -42
Steam men	" 33-1-35	32- $\frac{1}{2}$ -40

In the case of existing steam men they were to continue to draw the pay in the present scale of Rs. 33-1-35 and then they would be fixed into the new scale of Rs. 32- $\frac{1}{2}$ -40.

Mates Rs. 35-1-50 Rs. 35-1-52

It is thus clear that the General Manager appreciated that the wage scales of some of the categories of the workmen at least called for a revision and thought that the Railways might be in a position to bear the extra burden of the revised scales at least substantially, if not entirely.

25. Before I proceed further, I may mention that the legal principle laid down by the Hon'ble Supreme Court does not purport to exclude theory of gradual advance to the living wage standard from the grounds justifying revision by an award. Their Lordships never intended that the workmen should stagnate at the wage settled by a Tribunal at a stage when the wages of the workmen had to be kept down on account of financial difficulties of the industry. The gradual rise of the wage scales leading up to a living wage can arise when the finance of the industry permits. If a Tribunal holds that a higher wage than what he has prescribed cannot be borne by an industry at a particular stage, there is no reason why the wage scales should not be revised in an upward direction when the financial position improves. The improvement in the financial position by itself is a substantial material change under the circumstances and is a good ground for revision of wages. In the year just following the award (1948-49), the net profits for the Howrah Amta Light Railway was Rs. 1,20,127 and in the Howrah Sheakhala Light Railway there was a deficit of Rs. 9,412/-. In 1955-56, the net profits of the two railways were respectively Rs. 1,27,971/- and Rs. 28,916/- although the compensation due to the Howrah Sheakhala Light Railway from the Eastern Railway was stopped. A substantial portion of the gross revenue was utilised for the re-organisation of the highly paid officers, otherwise the net profits would have been much more. This improvement may be utilised for the benefit of the workmen even though substantial relief may not be possible. I now proceed to discuss the issues before me.

Issue No. I—

Whether the pay scales should be fixed in accordance with the recommendation of the Central Pay Commission.

26. The pay scales of the workmen of the two railways were generally kept below the scales recommended by the Central Pay Commission except that for the unskilled workmen of the lowest category, which was Rs. 30- $\frac{1}{2}$ -35. Shri F. Jeejeebhoy held that higher wages would be beyond the capacity of the railways. Since then there has been substantial improvement in the gross revenue of the Railways but on account of the increasing cost the net revenue did not substantially improve. The re-organization was to some extent responsible for rise in the cost. Some economy is possible in this direction. The wage scales awarded by Shri F. Jeejeebhoy were such minimum wages as were warranted by the then financial position of the railways. They cannot be called fair minima. They require some improvement. I have already pointed out that the Railways require huge sums to meet the immediate requirements did not stand in the way of increasing the salaries of the highly paid officers. The workmen may therefore naturally contend why the question of replacement and rehabilitation should be used as a shield against their demands. The cost of replacement and rehabilitation was undoubtedly a priority over the demands of workmen for increase in their wages which in their turn must have priority over dividends payable to shareholders, so long as the workmen are not given a fair minimum. The share-holders have all along received a fair return for their investments. In all fairness if to meet the reasonable demands of the workmen there is some reduction in the returns to the shareholders. I hope and believe, that the share-holders will not grudge.

27. In revising the wage structure of the workmen in the two Railways I do not propose for the present to revise the wage scales of workmen who are getting Rs. 70/- or more as minimum of their respective scales. This will include Head Fitters, Head Mistries, Head Boiler Makers, Head Ticket Collector, Head Batches Incharge, Fitters Incharge, Carriage Examiners Drivers Incharge and Station

(Special Grade). In my opinion an all round revision of the wage structure is not possible in the present financial position of the railways and I appeal to these workmen to wait for the present. Their case may be taken up by the management in consultation with the Union. About the unskilled workmen, Gangmen, Trollymen, Shed Khalasis, Carriage Washer Bhisti, Cleaner, Lampmen, Coalmen, Cooks, Servant, Pumper, Wagon Examiner, Porter, Sweeper, Running Room Cooks, Gatemen, Khalasis, Watermen and Assistant Tindals have already been awarded the wage scales recommended by the Central Pay Commission for the unskilled workmen of the lowest category. These scales also do not call for any revision just at present.

28. The pay scales recommended by the Central Pay Commission for the compounders and dressers are as under:

Compounder Grade II	Rs. 40-1-50-2-60
Compounder Grade I	" 55-3-85-4-105
Dressers, Grade I	" 35-1-50
Dressers, Grade II	" 30-1-35

The compounders in the present railways have been given two scales, viz. Rs. 60—2—70—3—100 for the passed compounders and Rs. 45—1—50—2—60 for the unpassed compounders and the dressers have the scale of Rs. 35—1—45. These scales are considered just and proper and do not call for any further revision. About the other categories of workmen, the scales proposed in 1936 cannot be operative, inasmuch as there was no final decision. As the General Manager does not appear to have been the final authority in the matter, I learn these proposed scales out of account altogether. I do feel that the General Manager proposed to revise the scales of some categories to the exclusion of some others who should have been given priority. I revise the scales as indicated below:

Categories	Existing scales	Scales fixed by this award
	Rs.	Rs.
1. Clerks, Loco and Traffic	A. 60—3—90 B. 90—4—130	Existing scales to stand the present.
2. Time Keeper	60—3—90	
3. Ticket Collector	38—1—42—2—60	
4. Booking Clerks, Goods Clerks and Shed Clerks	40—2—70	48—2—78
5. T.T.E.	40—2—70	48—2—78
6. Signallers	40—2—70	48—2—78
7. Skilled workmen : Blacksmith, Boiler maker, Carpenter, Cell-charger, Fitter, Lead Burner, Machineman, Turner, Tinsmith, Welder, Wheel grinder, Electricians, Mason. (B).	50—2—70—3—85	55—2—75—3—90
		(B) Some carpenters were awarded the scale Rs. 30—1—35. Shri Mullick says that there is no such scale for carpenters. There is no evidence about the existing scale of Masons. From a comparison of wages of Mason and Fitters existing prior to the award of 1949, I classify them as skilled workers.
8. Intermediate skilled and semi-skilled : Driller	between 45—1—50—2—60	Existing scale to stand

Categories	Existing scales	Scales fixed by this award	
	Rs.	Rs.	
9. <i>Semi-skilled workmen</i> •	40—1—50	40—1—52	(C)
(i) Asstt. Blacksmith, etc. Beltnen, Rivetter, Train Lighter, (C) Packer, Checker, Tools- keeper.			Some packers have been given the semi-skilled grade Rs. 40—1—50 and some Rs. 30— $\frac{1}{2}$ —40 without assigning any reasons. I have placed all packers in the semi-skilled grade.
(ii) Hammermen, Painter, Lettermen.	(a) 35—1—40 (b) 35—1—45	Existing scales to stand.	
(iii) Firemen, Pump Driver, Clock winder.	35—2—45		
10. <i>Unskilled workmen</i> :	30— $\frac{1}{2}$ —35	Existing scale to stand.	(D)
Gangmen, Trolleyman, Khalasis, Shed Khalassis, Carriage washer, cleaner, Lampmen, Coalmen, Cooks, Servants, Pumpers, Wagon Examiners, Porters, Sweeper, Running Room Cooks, Gatemen, Asst. Tindals, etc.			Some Chowkidars appear to be in the scale Rs. 30— $\frac{1}{2}$ —40 and some on Rs. 32— $\frac{1}{2}$ —40. I am told by Shri Mullick that all chowkidars are on the scale Rs. 32— $\frac{1}{2}$ —40. I have placed them accordingly.
11. <i>Unskilled (Special) and Unskilled Supervisory</i> :			(E)*
(a) Cooly Sardar . . .	40—1—50	Existing scale to stand.	There is nothing on the record to show how these categories were classified. They shall be placed on the skilled or semi-skilled grades according as they are skilled or semi-skilled workmen.
(b) Mates . . .	35—1—40—2—50	35—1—40—2—52(F)	
(c) Tindals . . .	35—1—45	Existing scale to stand.	
(d) Points, Jamadar . . .	32— $\frac{1}{2}$ —40	35— $\frac{1}{2}$ —45	
(e) Head Chowkidar . . .	34— $\frac{1}{2}$ —45	Existing scale to stand	
(f) Keymen . . .	32— $\frac{1}{2}$ —40	32— $\frac{1}{2}$ —42 (F)	
(g) Wheel Tapper . . .	30— $\frac{1}{2}$ —40	Existing scale to stand.	
(h) Pointsmen . . .	30— $\frac{1}{2}$ —35	32— $\frac{1}{2}$ —40 (F)	
(i) Steammen (D) . . .	33—1—35	32— $\frac{1}{2}$ —40 (F)	
(j) Chowkidars and Chowkidar Durwans.	32— $\frac{1}{2}$ —40	Existing scale to stand.	(F)
12. Wiremen, Diesel Attendant, Pump Attendant. (E)*			As agreed by management in letter dated 21-3-56.
13. Head Fitter, Head Mistry, Head Boilermaker, Head Ticket Collector, Head Batch-in-charge, Carriage Examiner, Driver-in-charge.		Existing scales to stand.	
<i>Unclassified :</i>			
14. Asst. Carriage Examiner	50—3—80	Existing scale to stand.	
15. Drivers and Guards . . .	45—2—65—3—80— E.B.—5—125.	50—2—70—3—85— E.B.—5—130.	
16. Oil Engine Drivers . . .	50—2—70—3—85	Existing scales to stand.	
17. Shunters . . .	40—2—50		
18. Coal-checker . . .	40—2—60		
19. Batch-in-charge . . .	45—2—70—3—85		

Categories	Existing Scales	Scales Fixed by this award	
20. Compounders : (G)	Rs,	Rs, (G)	
Passed . . .	60—2—70—3—100	} Existing scales to stand.	The scales are more favourable than those recommended by the Central Pay Commission on page 179 of the Report.
Unpassed . . .	45—1—50—2—60		
21. Dressers (G) . . .	35—1—45		
22. Station Masters . . .	60—3—78—5—103 E.B.—5—135.	64—3—82—5—107 E.B.—5—137.	
23. Station Masters (Special Grade).	100—5—150	Existing scale to stand.	
24. Asstt. Station Masters . . .	55—2—61—3—90	53—2—64—3—94	
25. Apprentice . . .	30—2—36—4—40	Existing scale to stand.	

29. The wage scales of the clerks, loco and traffic and time keeper as awarded in 1949 has already been amicably increased by Rs. 10/-. Considering that the Ticket Collectors, Booking Clerks, Goods Clerks and Shed Clerks, T.T.E. and Signallers have to do some clerical work which may not be similar to that of the clerks in general, I am inclined to increase their salaries as indicated in the chart. The Ticket Collectors shall get the minimum of Rs. 45/- and the maximum Rs. 67/- and the Booking Clerks, Shed Clerks, T.T.E. and Signallers have been given a minimum of Rs. 48/- and a maximum of 78/-. Consistent with the principle that there should not be any great difference between training in letters and training in crafts, I have increased the scales for the skilled workmen by Rs. 5/- throughout. The Central Pay Commission recommends the scales starting with Rs. 35/- and Rs. 40/- for semi-skilled workers. The grade of Rs. 40—50 is the grade for the generality of the semi skilled workers under the award of 1949. This has recently been revised to Rs. 40-52 by the letter dated 21-3-1956. Hammermen, Painters, Lettermen, Firemen, Pump Drivers, Clock Winders, whose works although of semi-skilled nature are much easier jobs as compared with the works of the general category of semi-skilled workers e.g. Assistant Blacksmiths, Assistant Fitters, etc. Pointsmen have to do some job which although of unskilled nature is different from that of the general run of unskilled workers. I have accordingly raised his scale from Rs. 30— $\frac{1}{2}$ —35 to Rs. 32— $\frac{1}{2}$ —40. Consequently, the scale for the Points Jamadar has been raised from Rs. 32— $\frac{1}{2}$ —40 to 35— $\frac{1}{2}$ —45. This is consistent with the scales for unskilled supervisory workmen in the Railways. The grades for the Drivers and Guards have been raised from Rs. 45—125 to Rs. 50—130. The grades for the Station Masters and the Assistant Station Masters have been raised from Rs. 60—135 and Rs. 50—90 to respectively Rs. 64—137 and Rs. 58—94.

30. I have not disturbed the scheme of annual increments in any of these scales. By way of adjustment of the existing staff for which the scales have been revised by me, I direct that all workers should be given an increment equivalent to that by which the minima of the respective scales have been increased. If with this increment their wages do not reconcile with any stage in their revised scales, they should be placed at the next higher stage. Where only the maxima of the scales have been increased, those who have already reached the maxima of their respective scales should be given one additional increment for every two years of completed service at the maxima in their existing scales subject to the maxima of their respective revised scales. Further reliefs by way of adjustment are not possible in the present economic position of the Railways.

31. I have not revised the scales for the Drillers, Assistant Carriage Examiners, Oil Engine Drivers, Shunters, Coal Checkers, Batch Incharge. The scales of increment in their respective grade are higher than those of semi-skilled workmen. Besides, I have raised the dearness allowance which will undoubtedly increase their total emoluments. The scales of the compounders and dressers compare favourably with those recommended by the Central Pay Commission on page 179 of the report. It is very difficult to fix the allowance of apprentices without knowing what they are to do or what their qualifications and aptitude are. Apprentices, who come as trade learners are generally unskilled at the entry. In this view, the

existing allowance is considered just and proper. However, I leave the matter to be settled between the management and the apprentices at their entry. Nothing was placed before me to indicate the existing scale of Wiremen, Diesel Attendant and Pump Attendant. They shall be placed on the skilled or semi-skilled grades according as they are skilled or semi skilled workmen under the existing classification.

Issues Nos. (2) and (3)—

32. I take up these two issues together. Under the award of 1949 all the line staff including the workshop staff (but excluding clerks) were to receive Rs. 28/- as dearness allowance and the clerical staff were to get Rs. 40/- per month. In the month of May 1949, when the award was published, the cost of living index recorded 349 for the middle class and 343 for the working class. In 1951 the dearness allowance of all the workmen were amicably increased by Rs. 4/8/- per month. On the date of the reference the cost of living index was 414 for the middle class and 354 for the working class. On 1st January, 1951 when the revised dearness allowance came into force, the cost of living index was 386 for the middle class and 344 for the working class. In 1954 a further increase of dearness allowance was secured with effect from 1st July, 1952 with a graduated scale linked to different ranges of basic pay. In July 1952 the cost of living index recorded was 393 for the middle class and 354 for the working class. The scheme of dearness allowance introduced from 1st July, 1952 was as detailed below:

Pay not exceeding Rs. 50/-	. . . . .	Rs. 32/8/- plus " 2/8/- (Interim relief).
Pay exceeding Rs. 50/- but not exceeding Rs. 75/-	. . . . .	" 37/8/-
Pay exceeding Rs. 75/- but not exceeding Rs. 100/-	. . . . .	" 39/8/-
Pay exceeding Rs. 100/- but not exceeding Rs. 150/-	. . . . .	" 42/8/-
Pay exceeding Rs. 150/- but not exceeding Rs. 200/-	. . . . .	" 47/8/-
Pay exceeding Rs. 200/- but not exceeding Rs. 260/-	. . . . .	" 52/8/-

This is the existing scheme of dearness allowance. We are told that the Sahadara Saharanpur Light Railway has adopted the scheme of dearness allowance prevalent in the State Railways. The scheme is:

Pay not exceeding Rs. 50/-	. . . . .	Rs. 40/-
Pay exceeding Rs. 50/- but not exceeding Rs. 100/-	. . . . .	" 50/-
Pay exceeding Rs. 100/- but not exceeding Rs. 150/-	. . . . .	" 55/-

The latest cost of living index available is 417 for the middle class in Calcutta in April 1957 and 345 for the working class in the same month. Thus it is clear that instead of there being any rise in the cost of living index for the working class since the award or since the last revision of dearness allowance, there has been a fall by 9 points although the cost of living index for the middle class has gone up. I accordingly lay down the following scale of dearness allowance for all categories of workmen in the two railways excluding the head office staff:

Pay not exceeding Rs. 35/-	. . . . .	Rs. 35/-
Pay exceeding Rs. 35/- but not exceeding Rs. 50/-	. . . . .	" 40/-
Pay exceeding Rs. 50/- but not exceeding Rs. 100/-	. . . . .	" 45/-
Pay exceeding Rs. 100/- but not exceeding Rs. 150/-	. . . . .	" 50/-
Pay exceeding Rs. 150/- but not exceeding Rs. 200/-	. . . . .	" 55/-
Pay exceeding Rs. 200/-	. . . . .	" 60/-

The resources of the present Railways cannot stand comparison of the resources of the State Railways or the Sahadara Saharanpur Light Railway. The scheme of Dearness Allowance in those Railways cannot be transplanted here. The revised

scheme under this award compares favourably with the scheme awarded for the Engineering Industry in West Bengal.

33. The second issue raises the question of merger of 50 per cent. of the dearness allowance with pay. The report of the Dearness Allowance Committee commonly known as the Gadgil Committee appears to have aroused consciousness in the labour that the cost of living index has no possibility of travelling back to the pre-war level. A similar apprehension has prompted the railway employees before me to demand a merger of 50 per cent. of the dearness allowance with the basic pay. The basic consideration for the recommendation for consolidation by 50 per cent. of the dearness allowance payable at the time of the report (1952) with the basic wage appears to have been "to afford a fair measure of relief to the employees in the matter of pension, Provident Fund and gratuity". In India, unlike in other countries the wage of a workman consists of two parts, viz, (1) the basic wage based on needs of the workmen at the pre-war price level and (2) allowance known as dearness allowance to compensate a worker for the rise in the cost of living. This scheme is generally adopted by the industrialists in India for their workmen. To introduce innovation in the scheme for one single unit of only one industry will create revolution resulting in unforeseeable complications and leading to multiplicity of industrial disputes without any appreciable advantage to the workmen in return. This is likely to upset the little equilibrium which the machineries under the Industrial Disputes Act, have been able to secure in the Indian industries. A similar demand appears to have been made by the Rashtriya Mill Mazdoor Sangh, Bombay which came in appeal before the Appellate Tribunal in Bombay (1955 L.A.C. p. 95) but the demand was rejected by a Special Bench which observed:

"The apparent object with which a system of separate basic wage and Dearness Allowance was adopted so as to provide for possible recession of prices cannot be said to have altogether disappeared, although in the opinion of the experts, the cost of living is not likely to travel below 270 on base 1939—100.

"The workmen are only interested in the total emoluments, and does not therefore, very much concern how the total emoluments are split up except for benefits which are related to basic wages only."

The trend of modern legislation is to provide benefits such as overtime pay, lay off and retrenchment relief, which although related in the past to the basic wages only are calculated on the total emoluments. In these circumstances, no practicable benefit is likely to be achieved from the change suggested, in respect of the aforesaid benefits. Having regard to the far-reaching effects of the innovation in a single unit of only one industry on the other industries of the country, I am not inclined to accept the demand of the Union. This demand is accordingly rejected.

Issues Nos. (5) and (6)—

34. The Union demands that 20 per cent. of the total workmen in different categories should be maintained as leave reserves in addition to the relieving strength and that the limit of accumulation of leave should be four months in all cases.

35. Under the existing scheme the two Railways before me have leave reserves or relieving staff for such categories of staff as cannot be recruited from outside e.g. Station Masters, Assistant Station Masters, Pointsmen. The Railways maintain a panel of other categories of workers and the junior members of the categories are given an opportunity to officiate in vacancies caused by the senior officers going on leave or otherwise and the consequent vacancies in the lower categories are filled up by appointment of substitutes. In the present economic position of the Railways, a regular cadre of leave reserves for all categories of workmen cannot be maintained. The existing scheme is to the advantage of the members of the existing staff more than a water tight scheme of maintaining leave reserves, for under the present scheme the existing workmen get greater opportunities to carry on the work of the higher categories and thereby qualify for promotion to higher posts. It has been urged that the workmen are very often refused leave for want of relief. Three such orders have been placed before me, two of which relate to Relieving Assistant Station Masters. Leave cannot be claimed as of right and the workmen's claim for leave is always subject to exigencies of service. If there are too many applications for leave at one and the same time,

leave in such cases are refused in the interest of the service. I am not aware of the detailed circumstances under which leave was refused in the aforesaid three cases. I am therefore not in a position to express myself either way. In the context of what I have said above I cannot enlarge upon the existing scheme.

36. The existing scheme under which the inferior staff is permitted to accumulate leave upto two months and others upto three months was approved by Shri Jeejeebhoy and was incorporated in his award. But workmen demand that this limit in all cases should be increased to four months. The scheme is intended to be a long term one. It cannot be altered except on cogent grounds. Nothing could be placed before me that the existing scheme is causing hardship to the workmen.

Issues Nos. (7), (9) and (10)—

37. The demand of the Union about the house rent allowance is two-fold: (1) the rate should be increased and (2) the benefits should be extended to all categories of workmen. It is admitted that under the rules of the present Railways only such members as are not provided with quarters are given house rent allowance at the rate of 15 per cent. of the basic wage subject to the following conditions.

- (1) They must reside within a specified distance from the place of work and actually pay rent;
- (2) Those who fail to occupy quarters offered to them are not entitled to house rent.

38. A healthy wage structure takes into account the element of house rent. A wage must provide at least food and shelter and in calculating the minimum wages, experts were not unmindful about the element of house rent. This has been included in their estimates and these estimates are being adopted by the Industrial Tribunals with such modifications as the economic condition of the industry and other circumstances demand. The rise in the house rent is compensated by dearness allowance which also in its turn takes into account the rise in the cost of accommodation. Interest of the railway service demands such members of the staff should reside within such distance from the place of their work, that they may be available at all hours of the day and night if required. The Railways are gradually building quarters for these categories of workmen. These are called essential staff. But for reasons known to all—financial difficulties, insufficiency of house building materials and difficulties in procuring them, the scheme has not yet been complete. Out of 719 members of the essential staff 192 have been provided with quarters and 441 are drawing house rent allowance. 86 members who did not fulfil the conditions of the scheme have rendered themselves ineligible for the benefit. The house rent allowance at 15 per cent. of the basic pay is only an assistance to the workmen concerned and is calculated to be an inducement to them to leave in close proximity to the place of their work. In the present financial position of the Railways as disclosed before this Tribunal, the scheme cannot be extended as demanded. It appears that four units of quarters for Class III employees and 56 units for Class IV employees have been constructed since 1949.

39. I inspected the quarters, a copy of the Inspection Note is appended to this award. Some of the quarters for Class III staff which have tin roof have not been provided with any ceiling and some have no windows. As immediate replacement of such quarters by new ones is not possible, the management shall provide such quarters with proper ceilings and windows. Some of the quarters also demand immediate repairs. This too be attended to. Attempt should be made to replace gradually the old quarters by suitable quarters of the new types. In the present financial position of the Railways I do not propose to make any further direction.

Issue No. (8)—

40. The Union demands that the City Allowance or Compensatory Allowance should be extended to all workmen of Howrah and Bankra and the rate should be 15 per cent of the pay subject to the minimum of Rs. 10/- per month. I have substantially revised the structure of basic wage and dearness allowance. All workmen should wait and see the reaction of the revision of their emoluments on the finance of the Company. In my opinion further increase in the burden on the finance of the present Railways is not possible at this stage. The existing system shall continue.

Issue No. (4):—

41. The demand of the Union is that the hours of employment and periods of rest including calendar weekly rest as adopted by the State Railways should be introduced in the present Railways as well. Employments in railways have generally two broad divisions:

- (1) essentially intermittent, and
- (2) other than essentially intermittent.

This division was introduced for the first time by the Indian Railways Amendment Act, 1930 (Act XIV of 1930). Section 71-A(a) defines essentially intermittent employment. The definition is as follows:

"The employment of a railway servant is said to be essentially intermittent when it has been declared to be so by the authorities empowered in this behalf, on the ground that it involves long periods of inaction; during which the railway servant is on duty but is not called upon to display either physical activity or sustained attention.

Section 71-C fixed the average maximum work in a month at 60 hours a week for railway servants other than those whose employment is essentially intermittent and 84 hours a week for those whose employment is essentially intermittent. These different hours are subject to exemption enumerated in sub clauses (a) and (b) of section 71-C clause 3. Nevertheless workers who work under circumstances enumerated in sub-clause (b) i.e. under exceptional pressure of work not falling within the scope of sub-clause (a) which refers to emergencies are entitled to overtime payment at 1½ times of the normal rates of pay for overtime work. Section 71-D provides weekly rest only to those railway servant whose employment are not essentially intermittent. The rules framed under the Act (1951) provide rest for those categories of workmen who are not covered by section 71-D. Under the rules workers whose employment are essentially intermittent are to get a minimum of 24 consecutive hours including a full night. The rules classify employment into 4 categories:

- (i) Intensive,
- (ii) Essentially intermittent,
- (iii) Excluded staff, and
- (iv) Continuous i.e., employment which does not fall under any of the aforesaid three categories.

These rules appear to have made some improvement about the working hours and the period of rest of different categories of workmen which may be summed up in a tabular form as indicated in Table No. IV.

essentially intermittent are employed on a monthly average

42. In the present Railways employment have been classified in two board divisions, viz., 'continuous' and 'essentially intermittent'. I am told that workmen whose work is continuous are employed on a monthly average of 48 hours a week or 8 hours a day and provide 24 consecutive hours per week as rest. The workmen whose employment is essentially intermittent are employed on a monthly average of 12 hours a day with a fortnightly rest of 24 consecutive hours.

43. By way of elucidating the definition of essentially intermittent employment in section 71-A of the Indian Railways Amendment Act, the Railway Board issued subsidiary instructions which was published in the Gazette of India under Notification No. 40-L. The instructions read thus:

"1. For the purpose of section 71-A, the work of a railway servant shall not be regarded as essentially intermittent unless his daily period of duty includes (a) two or more periods of inaction of not less than half an hour each, aggregating not less than two hours in all; or (b) periods of inaction aggregating not less than four and a half hours. The term "Sustained Attention" used in the same section involves mental effort. Thus a pointsman waiting for the arrival of a train, after setting points, is required to give sustained attention; "so also is a Station Master, after but not before giving line clear."

The questions of hours of employment and rest for the employees in the State Railways came up before Hon'ble Justice Shri Rajadhakshya for adjudication. He appeared to have taken a very broad view of this statutory provision. Shri Mullick has raised an additional legal objection under this issue, viz., that the Indian Railways Act, and hence the Rules framed under the Act do not apply to the present Light Railways. In the absence of any notification under section 146

of the Act extending the Act or any portion thereof to the present Railways, I cannot but accept the contention of Shri Mullick. Shri Rajadhakshya's award which was for the State Railway employees cannot be applicable here.

43-A. Although the present Railways pleaded legal objections and financial inability to adopt Shri Rajadhakshya's award in its entirety it has been submitted for the Railways that they have been substantially following the statutory rules on this point. Rosters of different workmen in different stations have been placed before me. It is not possible for an Adjudicator to lay down a workable scheme about employment and hours of rest without being in a position to know how the timings of trains may be altered without any disadvantage to the public. No sufficient materials were placed before me. I am of the opinion that at some station, specially at some of the flag stations, the employees do not get sufficient rest, i.e., Dakshin Maju. Shri S. K. Mullick on behalf of the Railways invited my attention to a statement showing that the employees at Dakshin Maju can afford to be inactive for 16 hours 52 minutes in a day. On an analysis of the statement I find that the periods of inactivity at Dakshin Maju are mostly negligible. The periods of inactivity were as under:

Below 15 minutes	15 minutes and more but less than 30 minutes	30 minutes or more but less than one hour	One hour and more but less than 1½ hours	1½ hours or more
2	5	7	5	2

If the employees of Dakshin Maju are to continue in this way they will in no time lose their health and efficiency. The intervals must be such as will enable the employees to have their meals and to have at least 6 hours, sleep in a day. Thus they must have at least two periods of inactivity for one hour each and one period of at least 7 hours. Apart from statutory provisions and apart from directions in awards, the whole matter should be looked into with a spirit of humanity. The Rosters for intermittent workers must be revised in the light of the aforesaid direction.

44. About the Travelling Ticket Examiners the Railways contention is that their working hours are 51 hours per week. They also are given one day off every week. Under the award of Shri Rajadhakshya Travelling Ticket Examiners should be brought under the hours of Employment Regulation and generally classified as continuous and their working hours and periodic rest should be regulated accordingly. Thus the working hours and the period of rest of the Travelling Ticket Examiners in the present Railways do not call for any revision.

45. My award on this issue is that the Management should recast the Rosters for the employees with a spirit of humanity so as to conform as much as possible to the statutory provisions as also to provide sufficient time to those employees whose employment are essentially intermittent to have their meals and to have sleep as human beings. Beyond this, the existing conditions shall continue for the present.

46. My award will take effect from the date when it becomes enforceable under the Act. In the present financial position of the Railways, no retrospective effect is considered advisable.

47. In conclusion I must thank the representatives of the parties for their assistance.

CALCUTTA,

The 22nd July, 1957.

A. DAS GUPTA,
Sole Member.

Central Government Industrial Tribunal Calcutta.

ANNEXURE

INSPECTION REPORT

3rd July 1957

At the request of the parties I went out to inspect some of the quarters of the employees and the railway track. I was accompanied among others by Shri L. H. Dass, Chief Accounts Officer, Martin Light Railways, Shri Bankim Mukherjee, Engineer, and Shri S. K. Mullick of Messrs. Sanderson & Morgans, on behalf of the employers and by Shri Sibnath Banerjee, President

of the Howrah Sheakhala Light Railway Employees Union, Shri N. C. Bhatnagar Secretary of the Union on behalf of the workers.

We left the office of the Labour Appellate Tribunal of India at about 11-30 A.M. We went up to Patihal, stopping on the way at Dhankinbari and Bargachia and on our way back we stopped at Kathalia. We visited some old quarters as also some new ones both for Class III and Class IV workmen.

- (1) The gang huts at Bargachia were obtained without any ceiling. Without ceilings the tin huts become very hot in the summer.
- (2) Some of the old quarters for the Class IV workmen were without any window. Some holes were provided for ventilation. These were pointed out to the representatives of the employers.
- (3) The new type of quarters of the trolley-men at Putihar were of reinforced concrete. These do not call for any improvement at the present moment.
- (4) The quarters for the Station Master at Kathalia was found quite suitable for a small family.

The arrangements were quite satisfactory.

None of the Class IV quarters is provided with any latrine. I am told that Class IV workers use the Station latrine which is close by. I am further told that Class IV quarters have not been provided with latrines on the ground of insanitation. Latrines, if provided to these quarters, will be too many and will be too heavy a job for the Station sweepers to attend. Naturally these will become unsanitary if sufficient conservancy staff is not maintained. The employers, representatives plead that in the present financial position of the undertakings, it is not possible to maintain a regular conservancy staff.

I also saw the railway tracks at the stations as also at some spots in between two stations. Mostly they were worn out and require replacement. Not being an expert it is not possible for me to assess how long they will be in working condition. I saw only a small portion of the track where new rails have been laid. In my opinion, to avert any accident, the worn out rails should be replaced gradually and this gradual replacement should start immediately. I also saw buses carrying passengers and lorries carrying goods running side by side with the trains.

TABLE NO. I

*Comparative Chart indicating Financial Position of the Railways on
30-9-1948 and 31-3-1956*

	Howrah-Amta Light Railway		Howrah-Sheakhala Light Railway	
	30-9-1948	31-3-1956	30-9-1948	31-3-1956
	Rs.	Rs.	Rs.	Rs.
1. Share Capital :				
(a) Ordinary	16,00,000	16,00,000	6,00,000	6,00,000
(b) Preferential . . . . .	..	10,00,000	..	..
2. Debenture :	7,00,000	7,33,426	..	..
3. Reserves				
(a) Renewal and Replacement	10,23,712	6,38,170	3,51,604	2,44,776
(b) Terminal Removal	1,25,000	..	..	..
(c) Development	6,00,000	10,00,000	85,000	1,17,000
(d) Stores	25,000	50,000	..	..
(e) General . . . . .	..	..	..	75,000
(f) Bad and Doubtful debts . . . . .	..	1,30,000	..	..
Total Capital and Reserves	40,73,712	51,51,596	10,36,604	10,36,776
Total Capital Outlay	44,07,918	51,03,276	10,53,241	13,82,824
Stores	5,70,034	10,21,994	..	..
Unfinished works . . . . .	..	1,67,854	..	..
TOTAL	49,77,952	62,93,124	10,53,241	13,82,824
Excess of Capital sunk over Capital Reserves	9,04,240	11,41,528	16,637	3,46,048

TABLE No. II

Relation between earnings and working expenses (Howrah-Amra Light Railway Co. Ltd.)

Year	Gross Earnings	Working Expenses	Operating ratio	Allocation to Replacements and Renewals	*Salaries and Wages paid	Percent : Salaries to working expenses	Net Profits	Transfer to Reserve	Dividends Paid		Carried forward to Balance Sheet		
									Ordinary Shares	Preference Shares	Relevant Year	Past Year	Total
	Rs.	Rs.		Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1948/49	23,99,581	17,33,964	72%	1,25,000	8,11,132	47%	1,97,056	1,30,000	60,500	Nil	6,556	31,814	38,370
949/50	23,83,010	20,65,641	87%	1,25,000	9,53,479	46%	1,20,127	45,000	72,000	Nil	3,127	38,370	41,497
1950/51	27,18,209	20,25,814	75%	1,25,000	9,58,459	47%	1,71,954	1,00,000	70,800	Nil	1,154	41,497	42,651
1951/52	28,83,757	21,11,760	73%	1,25,000	10,01,554	47%	1,93,103	1,35,000	70,799	8,971	(—)21,666	42,651	20,980
1952/53	28,64,195	23,36,172	82%	1,25,000	10,81,309	46%	1,91,315	50,000	70,800	25,000	45,515	20,985	66,50
1953-54	28,03,897	24,57,382	88%	1,25,000	11,03,081	45%	92,344	25,000	70,800	28,087	(—)31,543	66,500	34,957
1954/55	29,22,219	25,22,079	86%	1,25,000	11,69,441	46%	1,58,000	Nil	70,799	50,000	37,201	34,957	72,158
1955/56	28,68,600	25,02,671	87%	1,25,000	11,78,092	47%	1,27,971	25,000	70,799	50,000	(—)17,828	72,158	54,330
Increase over													
1948/49	4,69,019	7,68,707			3,66,960								
Percentage increase	19%	44%			45%								

(—)Minus indicates deficit or loss.

*Does not include salaries and wages paid to Bankra Workshop staff,

TABLE NO. II-A.

Relation between Earnings & working expenses : (Howrah-Sheakhala Light Railway Co. Ltd)

Year	Gross Earnings	Working Ex- penses including wages & Salaries	Operat- ing ratio	Alloca- tion to Replace- ment & Renewals	Salaries & Wages	Percent to Work- ing Ex- penses	Net Profits	Transfer to Reserve	Dividend paid	Carried forward to Balance Sheet		
										Relevant year	Past year	Total
	Rs.	Rs.		Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1948/49 . .	5,24,500	4,22,469	80%	30,000	2,07,809	49%	45,419	25,000	22,688	(—) 2,269	6,441	4,172
1949/50 . .	5,09,649	5,17,528	102%	Nil	2,48,903	48%	(—) 9,412	(—) 33,000	27,000	(—) 3,412	4,172	760
1950/51 . .	6,62,401	(a) 4,93,854	75%	55,000	2,65,546	54%	88,876	40,000	26,550	22,326	760	23,086
1951/52 . .	6,42,074	5,05,528	79%	30,000	2,80,554	56%	29,153	10,000	26,550	(—) 7,397	23,086	15,689
1952/53 . .	6,23,138	5,82,617	94%	10,000	2,83,905	49%	25,212	..	26,550	(—) 1,338	15,689	14,351
1953/54 . .	6,76,151	5,88,654	87%	25,000	2,99,677	51%	25,049	..	26,550	(—) 1,501	14,351	12,850
1954/55 . .	8,70,908	(b) 6,60,810	76%	25,000	3,14,302	48%	1,07,019	75,000	26,550	5,469	12,850	18,319
1955/56 . .	7,19,081	6,65,610	93%	13,000	3,21,176	48%	28,916	..	26,550	2,366	18,319	20,685
Increase over 1948/49 . .	1,94,581	2,43,141			1,13,367							
Percentage of increase	37%	58%			54%							

(—) Minus indicates deficit or loss.

(a) Includes compensation received from Eastern Rly. Rs. 1,25,000.

(b) " " " " " " Rs. 1,90,000.

Payment of compensation has been stopped.

TABLE No. III

Requirement for replacement of locomotives, wagons and coaches: (Howrah Amta Light Railway)

Age	Coaches				Wagons				Locos				Remarks
	Num- ber	Replace- ment cost	Resi- duary Life	* Annual Require- ment	Num- ber	Replace- ment cost	Resi- duary Life	* Annual Require- ment	Num- ber	Replace- ment cost	Resi- duary Life	* Annual Require- ment	
Yrs.		Rs.	Yrs.	Rs.		Rs.	Yrs.	Rs.		Rs.	Yrs.	Rs.	
1—5	17	3,40,000	45	7,555	..	..	..	..	4	4,24,000	45	9,422	*The figures under the column 'Annual Requirement' indicate the provision p. a. if the entire costs be distributed over the entire residuary life of the locomotives, wagons and coaches.
5—10	..	..	..	..	12	60,000	40	1,500	3	3,18,000	40	7,950	
10—15	14	2,80,000	35	8,000	11	55,000	35	1,571	1	1,06,000	35	3,028	
15—20	32	6,40,000	30	21,333	9	45,000	30	1,500	2	2,12,000	30	7,067	
20—25	24	4,80,000	25	19,200	..	..	..	..	..	..	..	..
25—30	11	2,20,000	20	11,000	6	30,000	20	1,500	1	1,06,000	20	5,300	
30—35	12	2,40,000	15	16,000	..	..	..	..	2	2,12,000	15	14,133	
35—40	..	..	..	..	..	..	..	..	1	1,06,000	10	10,600	
40—45	4	80,000	5	16,000	17	85,000	5	17,000	4	4,24,000	5	84,800	
45—50	..	..	..	..	30	1,50,000	..	1,50,000	9	9,54,000	..	9,54,000	
50—55	..	..	..	..	13	65,000	..	65,000	..	..	..	..
55—60	..	..	..	..	14	70,000	..	70,000	..	..	..	..
Requirements for replacement in range of 5 years													
At the end of				45 yrs.	40 yrs.	35 yrs.	30 yrs.	25 yrs.	20 yrs.	15 yrs.	10 yrs.	5 yrs.	Immediate
				Rs:	Rs:	Rs:	Rs:	Rs.	Rs:	Rs.	Rs:	Rs.	Rs:
Total requirement				7,64,000	3,78,000	4,41,000	8,97,000	4,80,000	3,56,000	4,52,000	41,06,000	5,89,000	12,39,000
Annual provision on distribution of the total requirement over the entire period of residuary life.				16,977 (41st to 45th yr.)	26,427 (36th to 40th yr.)	39,026 (31st to 35th yr.)	68,926 (26th to 30th yr.)	88,126 (21st to 25th yr.)	1,05,926 (16th to 20th yr.)	1,36,056 (11th to 15th yr.)	41,46,656 (6th to 10th yr.)	2,64,456 (1st to 5th yr.)	15,03,456

TABLE No. III-A

Requirements for replacement of locomotives, wagons and coaches: (Howrah Sheakhala Light Railway)

Age	Coaches				Wagons				Locos				Remarks
	Number	Replacement cost	Residuary Life	Annual Requirement	Number	Replacement Cost	Residuary Life	* Annual Requirement	Number	Replacement Cost	Residuary Life	* Annual Requirement	
Yrs.		Rs.	Yrs.	Rs.		Rs.	Yrs.	Rs.		Rs.	Yrs.	Rs.	
1—5	6	1,20,000	45	267	2	2,12,000	45	4,711	*The figures under the column 'Annual Requirement' indicate the provision p. a. if the entire costs be distributed over the entire residuary life of the locomotives, wagons and coaches.
5—10	7	1,40,000	40	3,500	..	..	..	..	..	..	..	..
10—15	..	..	..	..	..	..	..	..	..	..	..	..
15—20	13	2,60,000	30	8,667	..	..	..	..	..	..	..	..
20—25	7	1,40,000	25	5,600	..	..	..	..	1	1,06,000	25	4,280
25—30	5	1,00,000	20	5,000	..	..	..	..	..	..	..	..
30—35	..	..	..	..	..	..	..	..	..	..	..	..
35—40	..	..	..	..	5	25,000	10	2,500	1	1,06,000	10	10,600
40—45	1	20,000	5	4,000	..	..	..	..	1	1,06,000	5	21,200
45—50	..	..	..	..	..	..	..	..	..	..	..	..
50—55	
55—65	6	30,000	..	30,000	

Requirements for replacements in range of 5 years

At the end of	45 yrs. Rs.	40 yrs. Rs.	35 yrs. Rs.	30 yrs. Rs.	25 yrs. Rs.	20 yrs. Rs.	15 yrs. Rs.	10 yrs. Rs.	5 yrs. Rs.	Immediate Rs.
Total requirement	3,32,000	1,40,000	..	3,70,000	2,46,000	1,00,000	..	1,31,000	1,26,000	30,000
Annual provision on distribution of the total requirement over the entire period of residu	4,978 (41st to 45th yr.)	8,478 (36th to 40th yr.)	8,478 (31st to 35th yr.)	17,145 (26th to 30th yr.)	27,025 (21st to 25th yr.)	32,025 (16th to 20th yr.)	32,025 (11th to 15th yr.)	1,31,000 (6th to 10th yr.)	70,323 (1st to 5th yr.)	1,00,323

TABLE NO. IV

Categories	Definition	Maximum hours of work per week	Minimum period of rest	Remarks
Intensive . . .	Employment held to be so by authority duly empowered in this behalf on the ground that it is of strenuous nature involving continuous concentration or hard manual labour with little or no relaxation.	45 hours	30 consecutive hours per week	Workers exempted from Rule 71-D(3) shall not be required to work more than 14 days without rest of at least 30 consecutive hours.
Essentially intermittent . . .	Employment held to be so by authority duly empowered in this behalf on the ground that it involves long periods of inaction during which the servant is not called upon to display their physical activity or sustained attention.	75 hours	24 consecutive hours per week	
Excluded . . .	Categories enumerated in Rule 3(2) of the Railway Servants (Hours of Employment) Rules, 1951.	..	One period of 48 consecutive hours in a month or one period of 24 hours in each fortnight.	
Continuous . . .	Employment not falling under any of the three aforesaid categories.	54 hours	30 consecutive hours per week.	
Loco and Traffic Running Staff.	..	..	Four periods of not less than 30 consecutive hours or 5 periods not less than 22 consecutive hours in a month.	
Mates, Key-men, Gang-men, Artizans or unskilled labour.	..	..	A calendar day per week or equivalent number of consecutive days upto a limit of 3 days.	

[No. LR-3(67)/56.]

New Delhi, the 9th August 1957

S.R.O. 2626.—In exercise of the powers conferred by sub-section (2) of section 14 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby directs that the powers exercisable by it as the State Government under that Act, with the exception of the power to make rules under section 38 thereof, shall in respect of a Union territory, be exercisable also by its administrator.

[No. L.R.1(40)/57.]

A. L. HANDA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi-2, the 9th August 1957

S.R.O. .—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled "The Living Idol" (Cinemascope) (colour) and its trailer produced by Metro-Goldwyn Mayer, U.S.A. shall be deemed to be un-certified films in the whole of India.

[No. 8/6/57-FC.]

D. R. KHANNA, Under Secy.